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P R O C E E D I N G S

OF THE

SELECT COMMITTEE, APPOINTED BY THE ONTARIO
LEGISLATURE, TO ENQUIRE INTO CERTAIN MATTERS
AND LEGISLATION REGARDING SMOKE CONTROL AND
AIR POLLUTION, IN ONTARIO.

Mr. A. H. Cowling, Chairman,
Presiding.

Dr. Frederick Evis, Secretary.

— 0 —

VOLUME XXI

Tuesday, January 24th, 1956.

Ottawa, Ontario.

— 0 —

R. C. Sturgeon,
Official Reporter,
Parliament Buildings,
Toronto, Ontario.

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T W E N T Y - F I R S T D A Y

Ottawa, Ontario,
Tuesday, January 24th, 1956,
10:00 o'clock, a.m.

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The further proceedings of this Committee re-
convened pursuant to adjournment.

- - - - -

PRESENT:

Mr. A. H. Cowling, Chairman,
Presiding.

Messrs. Brandon, Q.C.,
Murdoch,
Elliott,
Morningstar,
Gordon,
Thomas (Oshawa),

Hon. Mr. Kelly,

Dr. Frederick Evis, Secretary.

- - -

APPEARANCES:

Hon. George C. Marler, Minister of Transport,
Dominion Government,
Ottawa, Ontario.

Mr. Harry Belyea, Hygienic Engineer,
Department of Health,
Province of Ontario.

Mr. H. B. Chase, Deputy Commissioner.)	
Mr. A. Lesage, Director of Operations.)	Board of
Mr. P. K. Ingle, Mechanical Assis-)	Transport
tant.)	Commiss-
)	ioners.

- - - - -

H O N. G E O R G E C. M A R L E R,

Minister of Transport, Dominion Government, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: Mr. Chairman, what have you to say this morning?

THE CHAIRMAN: Mr. Minister, this is an all-Party Committee of the Ontario Legislature. All Parties are represented here, and our duty is to study and investigate this problem of air pollution and smoke control, and to eventually make certain recommendations to our Legislature, which we hope will be beneficial to the citizens of Ontario.

We started out originally prior to the June 9th election, but we only had a meeting or two, and when the House dissolved, the Committee, of course, was also dissolved, and we were re-appointed in September, so we have only been active for a matter of three or four months.

In all our investigations and studies in Ontario and other places -- but particularly in Ontario -- when we got down to the facts as to what is causing this smoke and air pollution, on every occasion we found ourselves being informed that the chief cause was the coal-burning locomotives, and steamships, particularly the coal-burning locomotives.

We felt we would like to come down here and secure your views on the matter, and have some discussion with you, and if we can reach some agreement in regard to locomotives and steamships, we feel we can completely and adequately take care of this problem in the province.

Briefly, that is the situation. If I may, I would like to ask you some questions.

THE WITNESS: Please do.

BY THE CHAIRMAN:

Q. If you do not mind, Mr. Minister, I will ask the questions in more or less of an informal way, and we will be glad to have you answer as you see fit.

Just to start it off, Mr. Minister, locomotives and steamships come under your jurisdiction?

A. Not under the jurisdiction of the Minister, but under the jurisdiction of the Board of Transport Commissioners.

Q. Which actually operates under you -- or through

you?

A. Perhaps I should say they operate under me, putting it in rather blunt language. Actually, they are a quasi-judicial body, and I think they would resent it if I suggested they acted under my jurisdiction.

However, I do on occasion speak for them in Parliament, but I do not think they would expect me to give any instructions.

I have power, under the Railway Act, to refer questions to them for study, and they have very extensive jurisdiction under the Railway Act, and I think they would have the powers which are required to deal with the subject which interests your Committee.

It was because of that, that I thought it would be an excellent arrangement for your Committee to sit down this morning with Judge Kearney, who is the Chairman of the Board, and perhaps some of his colleagues and some of their technical people, who probably could deal with the question very fully with you.

Actually, the Minister does not have direct jurisdiction over the railways nor the steamships, but, as some of you understand, sometimes what the Minister suggests is regarded favourably, and action sometimes is taken on the basis of the suggestion, rather than it being an order.

Q. That certainly clarifies the situation, and it means quite a great deal to us.

May I ask if you have dealt with any other committee of this kind, either on a Federal or a Provincial level, Mr. Minister?

A. No, I have not. As a matter of fact, when I received your letter, was the first time I had any contact with the matter directly.

I know that a few years ago the same question arose in Montreal, because in what we call the "St. Henri Section" of Montreal, there is a smoke nuisance which is somewhat aggravated by the fact that the Canadian National Roundhouse and yards are just west of the St. Henri section, and of course there is a great deal of smoke coming out.

I believe a Committee was set up by the city of Montreal, and they had a number of discussions, I think, with members of the Board of Transport Commissioners, and with the railways, to see what could be done in the way of a possible abatement of the smoke nuisance.

I do not know that any order was issued, but I think there was some slight improvement after that. I am not sure whether there is not actually a continuing committee of the City Council of Montreal.

Quite possibly you might find it advantageous to compare notes as to what success they have had in their

activities.

Q. We intend to go to Montreal.

A. Oh, you do?

Q. Yes. We have had some correspondence with them, Mr. Minister, on the subject.

May I ask if it is a fact that the coal-burning locomotives are not permitted within the city limits of Montreal?

A. If that is the case, I would consider it to be a purely theoretical situation, because I very often go via the Canadian National, and in its operations, I believe that steam locomotives do go through to the Central Station terminus, and the same situation applies to the Canadian Pacific Railway.

I often go down to Montreal, and find we have been brought in by a steam locomotive, as opposed to Diesels.

So I think if anybody told you it was forbidden, -- well, it may be forbidden, but all I can say is that it is continuing.

I doubt if it has been forbidden by proper authority.

Q. Mr. Minister, tell me this; if it came to the stage of making some amendment to the 1908 Order, with which you are no doubt familiar, would that require an Act of Parliament, or could you do it inter-departmentally?

As a matter of fact, how could that be done?

A. I looked at these orders the other day, and my opinion is they are matters entirely under the jurisdiction of the Board of Transport Commissioners, and it is not either ministerial nor governmental.

Q. If there was an amendment giving the province certain controls, it might be done by the Board of Transport Commissioners?

A. No, I would not say that. I do not think there could be a change in jurisdiction, but I would imagine there are certain aspects of the question which are entirely provincial, and others which might be quite definitely Federal.

If I may illustrate that in this way; we have not many provincial railways, either in Quebec or Ontario, although there are some. I take it, it would be within the competence of the Legislature of each province to legislate with regard to, let us say, the smoke nuisance or devices which should be installed on locomotives either to diminish that smoke nuisance, or diminish the fire hazard, and that, as far as the provincial railways are concerned, would certainly fall under the jurisdiction of provincial legislation.

By the way, what is the name of your railway in Ontario?

Q. The Ontario Northland. It is fully dieselized.

A. I can remember, Mr. Chairman, having participated in a debate in the Legislature in Quebec, where we were dealing with the devices which had to be installed on locomotives going through the unsettled parts of the province, and where the government was attempting by regulation to regulate the devices which had to be installed to prevent sparks and cinders falling into the bush.

Without having examined the jurisdiction, I would be surprised if there was not a large area with which the province would be entitled to deal, I think, without any question.

As far as the Board is concerned, it would have jurisdiction over the National railways, which might be in addition to provincial powers.

I doubt if it would be necessary to operate under the jurisdiction of either in this field, to arrive at a conclusion.

Q. That is a very fine opinion. In other words, we could perhaps assume from your comments, that the Provincial Legislature could have certain control over even Federal railroads, within provincial jurisdiction?

A. Quite so. I would be very dubious, if the legislation adopted by the province -- I think you have

legislation of your own, in your own Statute books, where you are legislating not specifically on the subject of railways, but something which came within the property and civil rights, and I think there is no doubt about the provincial power.

Q. Health for example?

A. Yes.

BY MR. ELLIOTT:

Q. How about steamships on international waters, such as between Ontario and Michigan, and Ontario and New York?

A. I am not very sure as to how we would deal with that. I believe we might take a look at it, but I do not think I am sufficiently versed in that matter, to be able to answer "right off the cuff".

Q. We were in Windsor and Detroit -- and I think the members of the Committee will bear me out in this -- that they both claimed that the Canadian steamships were the greater offenders by 75 percent.

A. That sounds as if it was the neighbors' ox they were trying to gore.

Q. They all agreed it was the Canadian ships which were doing most of the polluting on international waters.

A. That is a point you can very well take up with the Board of Transport Commissioners as to how far its

jurisdiction would extend over the shipping movements.

Of course, I do not think it would apply to the traffic moving down the American side of the boundary line, but that could probably be handled in the ship itself, I would think.

BY MR. THOMAS (Oshawa):

Q. You mentioned the Provincial government as having certain powers. I think the great difficulty would be in regard to enforcement.

A. I take it, in a general sense, that where you have power to legislate, you also have power to provide for enforcement.

As to the difficulties in carrying out those powers that you have decreed, that is a nice question, which always comes up.

We have so many examples of people outside the legislative field who are filled with zeal in regard to prohibitions of all kinds.

The only thing I can suggest is when you try to enforce, you should realize there is a tremendous difference between legislating and enforcing.

BY THE CHAIRMAN:

Q. I think that is a very good point.

While we are on the question of ships, and following what you said about the locomotives might be

causing smoke, and impairing the health of the citizens in an area, would it be fair to say that these steamships -- and particularly now that the St. Lawrence Seaway is about to become a reality and we will soon have a great many more steamships -- particularly the larger ones -- coming across the seas, and calling in at places like Cornwall, Toronto, Hamilton and Sarnia, and even up to the head of the lakes ; when these ships pull into our docks and tie up, they should not be permitted to cause a nuisance there.

A. I would rather subscribe to that, Mr. Chairman.

Just exactly who should adopt the legislation to prevent the nuisance, and how we should enforce it -- and we should enforce it, I must admit -- is something upon which I would like to reflect, rather than give you any snap opinion.

Q. One suggestion has been made that they should be controlled by the local Harbour Commissioners, which sounds like a good suggestion.

A. Yes.

Q. As it stands now, it would come back to the Federal control?

A. Yes. Offhand, I would be a little inclined to think so, under the terms of the British-North America Act. Under that Act, I think ships would be under Federal control.

Q. To get back to the nuisance and health question,
Mr. Minister --

A. Yes. As a matter of fact, we all realize the problem is not a simple one, and it is complicated by the international factor, and also by the question of jurisdiction, and I take it when your Committee has come to some conclusion, you would probably want to sort out the situation, and see to what extent it can be dealt with by your own legislation, and to what extent it must be dealt with -- if it is to be dealt with -- by Federal legislation.

I think, inasmuch as you have been giving this matter a good deal of study, we would like to see what your conclusions are, before we decide just how far we could implement those, to the extent we have the power to do so.

Q. That is very fair, Mr. Minister.

MR. ELLIOTT: Mr. Chairman, when we were in Detroit, they had certain regulations of their own. There is a certain section of the river they put under regulation, that their ships have to do certain things when they arrive, and they claim their ships are doing these things, but the Canadian ships are not.

THE WITNESS: It rather suggests either indifference on the part of the ship operators, or the

inability of Detroit to pass legislation which would be effective.

BY MR. ELLIOTT:

Q. That is right, sir. They can control their own, but they cannot control ships of Canadian registry, which they claim are the biggest offenders.

A. Of course, I am not familiar with the situation.

BY HON. MR. KELLY:

Q. The International Joint Commission perhaps would have that information.

A. Perhaps they have, yes. That is one of those questions your Committee will have a little difficulty in unraveling, perhaps.

BY MR. ELLIOTT:

Q. One difficulty is before they come into the Detroit area. These steamships coal up and shoot out smoke unnecessarily before they come into this area, and it is claimed that when they get out of the Detroit area, they do the same thing, and people in the outlying areas are complaining, so they are in trouble on both sides, and those are the kind of things I would think there would have to be Dominion legislation to take care of.

A. I think that is one of the questions your Committee will try to solve, and perhaps Judge Kearney and his fellow Commissioners may be able to suggest a

solution.

I think it should be part of your mission to try and convince them that something ought to be done, and I think, if they were convinced, they would give serious consideration to recommendations as to what legislation ought to be adopted or recommended.

BY THE CHAIRMAN:

Q. Mr. Minister, would you care to comment on the suggestion that perhaps we should have a Dominion-Provincial conference within a reasonable length of time on this air-pollution problem?

A. Mr. Chairman, I think I would say that I have not had the advantage of examining the situation as fully as your Committee, and I do not know whether it should be a matter for a conference or not.

This situation I would be perfectly willing to examine after you have talked to the Board of Transport Commissioners, and after Judge Kearney has made some recommendations to me as to what action he believes should be taken by the Board, or by the Government, if he does not feel the Board has the requisite jurisdiction to deal with it.

Q. In other words, you would prefer that any suggested amendments or changes in the Federal Statute, should come from the Board of Transport Commissioners to

you?

A. I think that would be the natural way of dealing with it, but I want to assure you that I would like to co-operate with you very fully, and it will be a question of examining the situation, much as your Committee is doing, and to see just how far we should "go along" with what you wish to do.

Q. That is very fair. As you suggest, we had in mind seeing the Board of Transport Commissioners anyway, but we wanted to start off with an informal discussion with you.

We intend to see the International Joint Commission's Subcommittee on International Legislation, and we would like to have a conference with the Federal Department of Health to see what things, health-wise, might be beneficial to us.

A. I think that is an excellent idea.

Q. The reason our visit is brief is that we did want to see you at your convenience. Originally, we intended to spend two or three days in Ottawa, but on account of the opening of the Session --

A. I am familiar with the limitations on time these openings impose on members of Parliament.

THE CHAIRMAN: I am sure some of the members of the Committee have a question or two they would like

to ask you, Mr. Minister.

THE WITNESS: I will do my best to try and answer any questions.

BY HON. MR. KELLY:

Q. I think one of the things which has been advanced is that in the city of Toronto, there is a roundhouse which pours smoke out, and the value of the properties next to it have gone to zero because of that.

It has been suggested that the railway should not have been permitted to establish this roundhouse within the city limits.

A. Yes.

Q. Now, the municipal officials will tell you, provincial-wise, -- and I will be very frank about this -- that "you do not really 'put the gun' on those fellows where you have control, but you should."

They also attack the Federal field from the standpoint that it has control over this railroad, and they should be given the power to get them out. That is about the meat of it.

A. I must admit that my technical knowledge in this field is very rudimentary, but I have always understood that one of the greatest difficulties is the actual firing operations. If there is not enough air going in, it means you have coal smoke pouring out of

the smoke stack, but that good coal firing produces very thorough combustion.

Q. It probably could be cut down by 90 percent.

A. That is another way of saying that the human factor enters into it so much that when humanity becomes perfect, the smoke nuisance will become completely abated. However, I hope we do not have to wait for the perfection of humanity.

BY MR. BELYEA:

Q. I was speaking yesterday to one of the lawyers of the city of Toronto, and he mentioned that in quite a few matters in dealing with the railways, he felt the Board of Transport Commissioners have been pretty well siding in with the railways, and they have not been able to get very far with them.

Have you discussed this with the Board of Transport Commissioners?

A. All I can tell you is that we have a great many problems dealing with the railways, and there is one body which believes the Board sides with the railways, and I believe if you spoke to the railways, they would say the Board always sides with the public.

I think it depends on which side you are on, when deciding whether the Board is impartial or not.

I believe the Board has tried to temper justice with mercy in many of its decisions in connection with the

railway operations, but it has not always been possible to meet the wishes of all parties concerned.

BY HON. MR. KELLY:

Q. As you know, the city has been building around these places.

A. So often, the people of a community are delighted when the railway does come in, and brings with it the shops and roundhouses, and so on, but when they get them there, and have them there for a time, they wish to goodness the nuisance could somehow or other be diminished.

BY THE CHAIRMAN:

Q. Would you care, Mr. Minister, to comment on the dieselization programme? You are more familiar with the Canadian National Railway; would you care to hazard a guess as to how long it will be before they are in a position to dieselize, at least in the industrial areas of Canada?

A. I think, Mr. Chairman, the dieselization programme is naturally related to the traffic volume of the railroads, and the ability of the railroads to finance the acquisition of new locomotives.

This year I understand that delivery of these diesels to the railways has been retarded by the General Motors strike, which has resulted in a failure to produce

locomotives in the quantity which was expected.

I think railway men will tell you they can use all the diesels they can buy, and they are tending toward the gradual elimination of steam.

I think it is very unlikely there will be any more steam locomotives bought by the Canadian railways. I think we will see a continual introduction of diesels.

However, I think really the situation is that the railways have to put just a little element of reason into this, and they cannot afford to dieselize as fully as they would like, because they have to take account of the cost factor, and the economy of the power they already have, which is perfectly useable.

Q. There is one point brought out in our studies which has to do with the coal-burning locomotives, and you may care to comment on it. It was this; that the railroads are not giving the old coal-burners the same maintenance, having regard to the fact that they are on the way to the scrap pile, and diesels are coming in, and as a result, the coal-burners are becoming harder to handle, and more difficult to light up, and consequently emit more smoke as time goes on, and as they head for the junk pile.

A. That is a very technical question. I must admit that in my own travels around the country, I have been rather surprised to note how completely they have repaired and re-built steam locomotives.

I was in one plant in Moncton, and I was really surprised to see they were re-building the large 6000 , the 6100 , and the 6200 types, and I imagine there is still enough capital invested in that type of motive power so the railways do not want to throw it away.

Q. That might apply more to yard engines?

A. The 6000's are used as freight and passenger locomotives.

BY HON. MR. KELLY:

Q. They do the big jobs?

A. Yes. I think they would be more inclined to pay attention to those which are very costly and very powerful, and certainly very useful, than they would to the smaller type of locomotive.

Q. I will say that if you were in a Pullman up around Moosonee, you get a great deal more warmth from the steam engines.

A. I think the heating question was a problem in connection with the diesels, at least, at first. They now have a heating unit which has no other purpose than to provide steam heat on trains.

Q. When it dropped down to about 20 below zero, I found one could be very comfortable with steam.

A. I have been on trains hauled by steam locomotives, which got pretty cold when the steam was shut off.

THE CHAIRMAN: We had that experience last night.

HON. MR. KELLY: I was too hot. I guess it was all down my way.

BY MR. ELLIOTT:

Q. There is one other thing I have in mind, and it refers back to my own town, that is, Hamilton.

We have a Smoke Abatement Officer in Hamilton, and under Order 185078, dated January, 1909, the railways were given certain instructions that the Smoke Abatement Officer could control smoke, as was laid down in the Order, but never has the Transport Board said anything about the steamships. The steamships can come into a harbour like Hamilton, Toronto or Windsor, and shoot out all the smoke they please, and there is nothing the Smoke Abatement Officer can do about it.

Did you ever consider bringing in an amendment to give the Smoke Abatement Officer in a town like Hamilton or Toronto, power to do something about steamships in the harbour?

A. In the rather short time I have been Minister,

the matter has not come before me.

Q. We have not the power to say anything to ships when they shoot out this unnecessary smoke.

A. I would perhaps just like to add that I shall be hearing from Judge Kearney after you have spoken to him, and I will ask him to have his officials who are concerned with steamships let me know just how fully the matter is already regulated by regulations over shipping.

BY MR. BELYEA:

Q. I do not think they have proven in court that they have any jurisdiction. The law comes essentially from the English law where they have jurisdiction over ships coming into ports, but there were certain exemptions and they felt it was unfair to have ocean vessels, which in nineteen times out of twenty were only there a short time, tied up in port, go to a great deal of expense to control the smoke for that short time.

I would almost think they have jurisdiction.

A. We might have to pretty thoroughly look at the situation, particularly if you would like to provide us with all this background material.

Have you had all the evidence given before your Committee recorded stenographically?

BY THE CHAIRMAN:

Q. Yes, we have. It is just a question of whether

we are going to be able to produce a full Committee report for this Session. We may have to prepare more or less something in the nature of a progress report.

A. . . . These problems have grown up over our lifetime, and it would be difficult to settle them over night.

Q. . . . I would like to consider this as sort of an initial visit, and we would like to come and see you again, if we proceed with these studies over the next year.

A. . . . We have had a very agreeable discussion this morning, and I hope you will come again.

Q. . . . Then, if there is nothing more, we will not take up any more of your time.

---The witness retired.

---Whereupon the further proceedings of this Committee adjourned to reconvene in the office of the Board of Transport Commissioners at 11:30 o'clock, a.m.

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---The further proceedings of this Committee reconvened, pursuant to adjournment, in the office of Mr. H. B. Chase, Deputy Commissioner, Board of Transport Commissioners, Room 435, Union Station, Ottawa, Ontario, at 11:30 o'clock, a.m.

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H. B. C H A S E,

Deputy Commissioner, Board of Transport Commissioners,
Dominion of Canada, appearing before the Committee, but
not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. This is an all-Party Committee of the Ontario
Legislature. All Parties are represented on it, and I
think we are all agreed that the subject of air pollution
and smoke control is something which transcends Party
differences in any way. We are all interested in it,
and concerned with doing something about it.

As I said to the hon. Minister of Transport
(Mr. Marler), in our studies and investigations to date --
and that would be from the early part of October, 1955
up to the present time -- the main objections we have
found having to do with air pollution eventually, in
almost every case, gets back to the coal-burning locomotives,
and steamships in the harbours, and that is the reason
why we approached the hon. Minister and your Board, to
discuss the matter, because we understand it is a
Federal jurisdiction, and operates under an Order dated
1908.

A. Yes. Here it is, right here (indicating).

Q. I might say the hon. Minister sort of indicated
this morning -- and I would not want to mis-quote him in

any way, because he was most co-operative, and we hope we will have a further opportunity of speaking with him as time goes on -- but he seemed to feel that anything which was considered a nuisance, or anything having to do with the health of the citizens, caused by air pollution and smoke, could be under the jurisdiction of the province. We were very pleased to hear him make that comment.

Would you like to say something on that?

A. No; go ahead.

Q. We have some technical questions, and so on, and we would like to discuss this matter with you on a more or less informal basis.

I think that perhaps is enough by way of introduction.

BY MR. THOMAS (Oshawa):

Q. I think the Board of Transport Commissioners realize the problem of air pollution is a serious one, and I would like to ask them what remedial measures are being taken at this time.

A. Back some years ago, there was quite a great deal of discussion in the city of Montreal, and our Director of Operations was engaged in that discussion. I do not know whether he has the file handy, but perhaps it would be helpful.

As I recall, the city had a committee appointed and we sat in.

If I might interject a word here, from what I have seen around Montreal, there is as much smoke coming from some buildings as from the railways.

As a result of those discussions, the railways did quite a good deal in the way of improving the situation. Some things can be overcome, that is, certain methods of firing, and so forth.

In fact, the city of Windsor was quite interested in this sometime ago, and Mr. Ingle was down there.

MR. INGLE: I checked up on what occurred, but I was not down there.

THE CHAIRMAN: The city of Windsor is interested in it, right to-day.

THE WITNESS: I thought so, and I also have a copy here of a brief from the city of Toronto.

BY MR. GORDON:

Q. Mr. Chase, when we were in Windsor, we were told by an engineer, speaking on behalf of the firemen, that little or nothing had been done by the Canadian National Railway toward making any improvement to their firing or combustion chambers on their engines, and it was practically impossible to meet the regulations which

were set, and, as a consequence, some firemen were getting so many demerit marks because of infractions, and he said it was absolutely not their fault, because they were old engines, and very little had been done, and it was almost impossible to meet the regulations.

Then, over across the river, in Detroit, we found they had made improvement in their situation, and there was no smoke.

A. Take the Canadian National Railway in Windsor: they operate eight steam yard locomotives, all equipped with an over-fire system of jets.

BY MR. ELLIOTT:

Q. That is, on the Canadian National?

A. Yes. They have equipped their engines. If a fireman does not use them, he will get a black smoke.

BY MR. GORDON:

Q. I am just a layman, but this engineer said the steam jet was only a piece of pipe, which cost about a dollar and a half, and did not mean anything.

A. Much of the equipment has been converted to oil burners. The latest type is a torch used in firing up locomotives; that is, in the shops.

It is provided that the coal supplied to the railways shall be of an excellent quality of double-screened, washed, bituminous coal of egg size.

You see before you, gentlemen, a locomotive engineer right now, and I did my own hand firing.

BY MR. ELLIOTT:

Q. The smoke-abatement officer in Windsor said he had ridden an engine from Windsor to Chatham, and while he was on the engine everything was o.k., but the next day the engine went up without him, and the firemen did not live up to the regulations.

A. There (indicating) is a photograph of my old locomotive. I used to pull a passenger train, back in 1916.

Q. You fired that, too?

A. No, I ran that one. Oh, I fired it perhaps for the odd mile or two here and there just to keep my muscles in.

But I was going to say that if you take the old steam locomotive which has not the stokers, and it is pulling out with a heavy passenger train, you must have your fire built up before you start. It depends to some extent on the way the engine is started, for one thing, and it depends somewhat on the engineer.

If an engineer pulls his throttle out and the fire has not been built up, you are in trouble, and you will make black smoke, in spite of Hell and high water, if you are going to maintain the steam pressure. You

cannot get away from it.

With the stoker-fired engines, you have a lighter fire, and when an engineer starts out, the firemen must open these jets to blow the coal in, and it is all blown in by steam, and the stoker does what we call "cutting it down", but even then it is very hard to avoid some black smoke.

The old hand-fired locomotive depended on the firemen. If he feeds the coal in one scoop at a time, he will not make much black smoke, but if he is one of the lazy type, and throws in ten or fifteen scoops at one time, and then gets back on the seat box, he will have black smoke rolling out good and plenty.

So a part of it comes through the manner in which the engine is fired, as far as the fireman is concerned.

This all comes back to the type of locomotive he has, whether it is stoker-fired, or hand-fired.

In regard to switch engines; if the signals are on the fireman's side, as they are sometimes, he must be watching for signals to facilitate the movements, and when he has to do that, he will be inclined to put in ten or fifteen scoops of coal, and then you will have black smoke.

It is largely a case of supervision to see that

the men do what they should do.

Q. Are most of them stoker-fired?

A. Not the switch engines. I have never known a stoker being put on a switch engine. It costs money to put them on, and the majority of steam locomotives -- or a great many of them -- are still hand-fired.

Q. Nearly all of them are hand-fired?

A. No, not the heavier ones, those built in the last fifteen or twenty years. But the old ones are.

Q. They are all hand-fired?

A. Yes, they are gradually going out of business as the diesels come in.

For instance, the Wabash Railway in Windsor, is completely dieselized.

BY THE CHAIRMAN:

Q. While we are on that, Mr. Chase, would you care to give an opinion as to how long it will take to before we have complete dieselization?

A. I am afraid I cannot answer that one.

Q. Would you care to tell us why we cannot have the diesels in the large industrial urban centres, and use the coal burners out through the bush?

A. In the large centres, it is the old steam switch engines which give you the trouble, largely.

The railways would have to answer your question

as to how soon they can get rid of these old switch engines and put the diesels in. Of course, you realize that diesels cost a great deal of money. One road diesel unit costs about \$250,000.

Q. What I was getting at was this: a train coming, for instance, from Fort William to Sudbury, creates no problem there of air pollution.

A. That is true enough.

Q. If the railroads could start their diesel programme in the larger areas, it would go a long way toward solving the problem?

A. In the Windsor yard?

That is really their problem. They are getting rid of the steam engines wherever it is feasible, but you then come to the depreciated value; you want to get all you can out of a locomotive before you scrap it, and then you have to get the money for the new power.

To get the full economic value from diesels, say, on the main lines, with any diesel locomotive, you have to keep it in operation from twenty to twenty-two or twenty-three hours per day.

If you are running steam locomotives, say on the main line, you cannot get the full economy as long as you have the steam locomotives, because, with the steam locomotives, you must have water tanks, coal docks,

and all those things. When they get diesels, they can do away with the coal docks and the water tanks.

The Canadian Pacific Railway probably has about \$80 million tied up all the time in supplies.

If you go someplace, and see these enormous, big coal stock piles, it is loaded back into cars again, and then back into the coal docks, and they have to protect themselves against strikes, shortages of coal, and that sort of thing.

The moment you can get rid of all ^{steam}/locomotives in a given area, is when you begin to get full economy in diesel operation.

BY THE CHAIRMAN:

Q. Are there any centres in Ontario where the coal-burning locomotives do not pull into the stations? I am thinking of New York, where they come in with electric power. Has that been done any place in Canada?

A. In Montreal, the steam locomotives are taken off at Turcotte, and electric locomotives or diesels are put on to haul the trains into the Central Station.

Coming out, if a steam locomotive can be coupled onto a train and still remain outside the train shed, then the steam locomotives take the train out, but not in.

Going in the other direction, you go through

the tunnel. There are no steam locomotives going through the tunnel.

Q. The Canadian Pacific does not do that?

A. On the Canadian Pacific, the steam locomotives go right into Windsor Station.

Q. So actually the coal-burners are going right into downtown Montreal?

A. Yes. The Canadian National Central Station is the only place where they have completely eliminated steam locomotives going in.

Q. Has there been any consideration given for electrification today?

A. Electrification is "out" today, as far as new installations are concerned. The diesels are way ahead of the electrics.

Q. Do you think there is any possibility of diesels coming into any centre like Winnipeg, Montreal or Toronto?

A. No.

Q. Why?

A. They cannot get the diesels --

Q. No, I mean getting the coal-burners off, and using either diesels or electric power?

A. If you operate an electric locomotive, you have to have a power wire, the same as a street car.

The difference is that with a diesel engine, it has a generator to generate its own electricity, and it is making the "juice" as it goes along, instead of having to go to the expense of stringing wires.

So the diesels are cheaper. If you were putting in a new installation, you would never go back to electrification.

But to answer your question as to cutting off, I would say no. I think you would find if you discuss it with the railways, there would be too much delay and delays are very important in any operation of a railway.

I might give you an illustration of that. I rode the Super-Continental a little while ago up ahead on the diesel. The engineer had four slow orders. The running time from Montreal to Ottawa is two hours and he had the throttle wide open for every mile of the way, with the exception of these slow orders, and he came in here ten minutes late, with nine coaches and two diesels.

Q. Have you had any complaints from any other province? Is this the first formal Committee you have received?

A. The only place of which I know that they had any complaint was from the city of Montreal, and

here (indicating) is the proposed by-law submitted by the city of Toronto.

Q. Is that from Mr. Campbell, of the legal department, dated November 17th, 1955?

A. I take it, it is from Mr. Angus, dated November 17th, 1955.

They recognize that has gone to the railways for their comments, and they are not ready yet to give their full submission. It is still under consideration with respect to the Canadian Pacific.

BY MR. BELYEA:

Q. Mr. Chase, I think it is apparent that if you were trying to control the railways, it would not be effective if you just gave an order. You would have to have police to enforce the order?

A. It seems to me that simply giving an order to the railways is not sufficient; you have to have provision to enforce it.

Number 13 of the city's submission reads as follows:

"13. Judgment of offences or violations shall take place in and by municipalities or areas in which the violations have occurred in any such courts as may be in existence in the area.

" Representatives of both railways requested re-inclusion of Paragraph No. 5, in General Order No. 18, (Order No. 5678), which is concerned with the ascent of Scarborough grade and grades at Hamilton.

In that paragraph an allowance of 10 minutes of dense smoke or Ringelmann No. 3 in any one hour is allowed.

As, however, General Order No. 18, (Order No. 5678), was formulated in 1908, and as the speed and type of locomotives has altered considerably since that time, it is felt this allowance is too liberal. Not only so, but in the event of Scarborough being included within the Municipality of Metropolitan Toronto, such a condition would mean that any locomotive could make dense smoke for a period of 10 continuous minutes into Scarborough which could give rise to many complaints from residents in that location.

It is considered that the maximum allowance be set at 1 minute of dense smoke in any 10 minutes, in the event the Board should see fit to re-include this paragraph, in which event it could be inserted as the last part of paragraph No. 3."

Before the city submitted this, they called in the railways, and both railways were represented by officials who had something to do with smoke control, and they agreed, and apparently were satisfied with that clause.

Have you any comment to make on that?

A. No. I told you the Canadian Pacific said the matter is still under consideration, and the Canadian National has asked for a further extension of time in which to file its submission, due to the fact there are so many differences in the proposed order, from what was passed in the Montreal area a few years ago.

There are some interesting features of it. It still is a question whether the Board has power to deal with it or not.

As you may know, Order No.18 only applied to the province of Ontario.

BY THE CHAIRMAN:

Q. Is that the 1908 one?

A. Yes.

Q. Do you not think it is time it had a few amendments?

A. I think it says, "every steam engine operated in the province of Ontario". It does not apply any place else in Canada. In other words, the other provinces can

go ahead on their own, without reference to Federal Authority?

A. That is getting into a legal question there. It comes down also as to the powers of this Board which the railways will undoubtedly argue in due course of time.

But here is an odd one. Paragraph 7, which reads as follows:

"Diesel engines shall receive frequent periodic inspections and be maintained in first-class working condition and shall conform to limitations of smoke emissions as for steam locomotives as set out in Paragraph No. 3. The discharge of fumes, odours and gases from diesel locomotives to an extent which is detrimental to the property of any other person or which is a nuisance to any person not being therein or thereupon engaged, be prohibited."

You notice, it says:

"Diesel engines shall receive frequent periodic inspections and be maintained in first-class working conditions --"

We do that.

BY MR. THOMAS (Oshawa):

Q. You want to protect the machinery?

A. Certainly. It is inspected --

BY THE CHAIRMAN:

Q. By your Board?

A. Yes. At this time, we are preparing regulations with respect to the inspection and maintenance of diesel engines, and they are doing the same thing in the United States with the Interstate Commerce Commission and we must bear in mind that these locomotives go backward and forward across the line, and we are all endeavouring to obtain some degree of uniformity in regard to that. Then, as you will notice, Paragraph 7 goes on to say, as I have already read:

"The discharge of fumes, odours and gases from diesel locomotives to an extent which is detrimental to the property of any other person or which is a nuisance to any person not being therein or thereupon engaged, be prohibited."

How can you do that?

You start out with a heavy passenger train with a diesel locomotive. The engineer has to speed up his diesel engine to speed up the generator attached directly to it.

It would be just the same as if you started in low gear with your car. How can you control those fumes at the back end? It just cannot be done.

BY THE CHAIRMAN:

Q. They are working on it right now. Several of

the leading car manufacturers hope to be able to control it. They are experimenting across the line on that very subject.

A. As far as I am concerned, it says:

"The discharge of fumes, odours and gases from diesel locomotives to an extent which is detrimental the property of any other person, or which is a nuisance to any person not being therein or there-upon engaged, be prohibited."

How can you determine that?

BY MR. BELYEA:

Q. Has anything been done regarding checking the limit of the main contaminants which are, of course, oxides of nitrogen, sulphur dioxide, the aldehydes, and carbon monoxide.

That has been done by the Bureau of Mines in the United States, and satisfactory limits have been set, above which a locomotive can be said not to be in good repair, but below which it can be said to be in good repair.

Has anything been done in that respect?

A. I do not think we have done anything.

MR. INGLE: The Canadian National Railway carries on experiments along that line.

THE WITNESS: Going back to Windsor; the tunnel

was electrified. Today they are putting their diesels through. They worked out some way of ventilating it.

In regard to the Montreal tunnel; no diesels go through there. They would not permit it. They would like to send them through, but the ventilation is not there.

In regard to the Sarnia tunnel; it is electric.

BY THE CHAIRMAN:

Q. Have you had any suggested amendments to this 1908 Order?

A. Only this one (indicating) I have in my hand. That is the Ontario Order. And there is some kind of a regulation in the city of Montreal.

MR. INGLE: Yes, that is a municipal regulation.

BY THE CHAIRMAN:

Q. We have found out in our talks -- or it was indicated to us -- that the maintenance is not being kept up to par with the coal-burners, because eventually they are headed for the scrap pile, and as they get older, the maintenance becomes less, and the smoke emissions increase, until they finally arrive at the scrap pile.

Is there any truth in that one?

A. I do not think there is anything in that at all. The Railway Act makes provision with respect to

the front end of these locomotives, with regard to cinders and things of that kind. They have to maintain those things in proper order.

On the other hand, if they did not, they could not get steam out of a locomotive.

BY HON. MR. KELLY:

Q. I would doubt it myself. If they are going to haul a train, the locomotive must be in good shape.

BY THE CHAIRMAN:

Q. I am not speaking of "good shape" as far as pollution is concerned. They can be in good shape, but can still let out a great deal of black smoke.

A. That has nothing to do with the maintenance. It is entirely dependent on the firing, or, in some cases, on the kind of coal they use.

BY MR. BELYEA:

Q. Mr. Chase, getting back to some details like the over-head jets; have the best engineering methods been used for that purpose? In the States, they have studies made of some of the United States Codes.

A. What did the Canadian Pacific do in Toronto?

MR. INGLE: In what way, Mr. Chase?

THE WITNESS: In regard to eliminating the smoke nuisance in Toronto?

MR. INGLE: They start them up with live steam,

until they get the required boiler pressure, and then move them out of the roundhouse.

THE CHAIRMAN: Which roundhouse?

THE WITNESS: On Spadina Avenue, I think.

THE CHAIRMAN: You are not speaking of the Lambton roundhouse, because smoke is still coming out. Why can they not do something at Lambton?

MR. INGLE: Probably because there is no central steam plant.

MR. LESAGE: Have you found the railways are the worst offenders?

THE CHAIRMAN: In every case. In every place we visited in Ontario, and it was indicated elsewhere, too, that the railways and steamships were the worst offenders.

MR. LESAGE: Has your investigation proved that, or is that simply what you have heard?

THE CHAIRMAN: Well, we have not finalized it.

MR. LESAGE: You are hearing from the public that they are doing it, but I wonder if actual investigation will indicate that?

BY HON. MR. KELLY:

Q. In the places we have visited, they say there are two levels of government, the provincial, in Ontario, as well as the Federal.

Then there will be a smoke abatement officer in

Toronto, and he will tell you that simply because our legislation permits it, we really do not have any control over these things. That is the criticism we hear.

Then the second thing is railroads do not come under provincial legislation, nor municipal, therefore, they have no power to do anything about it, anyway.

So, generally, if you get the story provincially and federally, both of them are damned, and have been by several people who have come before us.

My own personal observation is that the Lambton roundhouse had one installation, and they went through an elaborate process down there. In any event, it was shown where they could control this smoke. While we were there, that was shown to us.

I happen to have a great paper in that vicinity and I go by that place three or four times a month, and there is no control over the smoke emissions from those stacks on the roundhouse.

I do not put all the blame on the railroads, because the roundhouse was built before the town was built around it, but in that neighborhood the real estate values are very low.

I think the Committee will agree that this was one of its first investigations, and it has gone into cities where they have effected a certain amount of

control.

A. I think the worst roundhouse in the whole Dominion of Canada is the Canadian National in Montreal. It is in a hollow, in the Turcotte area, and you can look up and see the Canadian Pacific roundhouse on top of the hill.

If you were uptown, and were looking at the Canadian Pacific, you would say, "Look, there is no smoke there, but just look down there".

But when it comes to soot, what we call "fly ash", as I said a while ago, with the stoker firing, a great deal of that coal is burned in suspension; it is not smoke you are getting, but fly ash.

All you have to do is to sit in a locomotive without your goggles on, and you will find out about it very quickly.

Q. I think the same thing applies when you go along certain city streets, near the railway yards, and see the houses boarded up, with the windows smashed in.

If you go up to the roundhouse, and look at the property on the north side of the street, you will find that it is away down in value because of the smoke.

A. There is one thing, aside from smoke entirely, which comes into the picture, and that is if you are living near the tracks, and your wife hangs out the washing.

The valves and pistons on a steam locomotive have to be oiled, the same as on your car, and there you have an outfit pumping it back and forth, and the oil is mixed in with the steam as it goes into the chamber, and when it comes out it is impregnated with grease, and that is being fed through a drop at a time.

In the olden days, a fireman had to go out and open the valve and pour the tallow in. Then the steam pressure became higher, and whereas it was formerly around 100 pounds, today it is up to 250 to 275 pounds, and then you have added to that a hydrostatic lubricator, and then you had to get a higher grade of oil, and you got the highest grade of oil possible, even higher than is in the crankcase of your car, because if you are getting 275 pounds of superheated steam, you have to have oil. Today, if you will notice, down one side of the engine there is a cylinder going backwards and forwards. It is a mechanical lubricator. It forces the oil into the valves and if the steam goes down onto your wife's clothes, there is grease there mixed with the fly ash, and it cannot be washed out.

BY MR. BRANDON, Q.C.:

Q. Mr. Chase, is there any advantage in the conversion of coal burners to oil burners on a steam locomotive? I have seen that in Dallas, Texas, and

there seems to be less smoke emission.

A. That is true, but to convert a steam-burning coal locomotive to oil -- there is a great deal of work to be done there.

Q. It must have been proven economical in Dallas, Texas. Would it be economical here?

A. Of course, they are sitting on an oil supply. If you consider the situation in Canada from Calgary to Edmonton, and to the west, on the two railways, I do not think you would find coal-burning locomotives, because the oil is right there, and the oil is cheaper than coal, and it has paid to make the conversion.

In the case of the Montreal by-law, generally speaking, it contains the gist of the proposal.

MR. LESAGE: I am afraid I cannot locate the file at the moment.

MR. BRANDON, Q.C.: Can you give us a general gist of it?

MR. LESAGE: No person here dealt with the by-law.

MR. BRANDON, Q.C.: Is it being applied and enforced in Montreal?

MR. INGLE: It is enforced to the extent that the city employed a number of inspectors to enforce the by-law, in addition to the regular smoke inspectors.

THE WITNESS: Yes, that Montreal situation was the subject of many, many discussions, and our Director of Operations at that time, -- who was Mr. Harper, who has since passed on to the Great Beyond -- was Chairman of the committee which dealt with it.

BY MR. BRANDON, Q.C.:

Q. Would you say that conditions have improved in Montreal over what they were ten years ago?

A. I am quite sure they have.

Q. Can you give me any percentage?

A. The Canadian National Railway made a terrific number of changes.

BY THE CHAIRMAN:

Q. Has your Board conducted any special surveys or investigations of this matter of smoke control?

A. No, not as a Board; nothing more than what I have just told you, that in the Montreal area, our Director of Operations went down there, and he was the Chairman of a committee, and there were representatives of the city and the railways there, and they discussed the matter pro and con, and back and forth, and finally came up with the best solutions they thought possible, and they made these various changes.

Q. Would you care to give a personal view as to whether you think more control should be given to the

municipalities in the matter of smoke emissions, and in the matter of railways and steamships? Steamships are under your Board?

A. No. All we have to do with steamships is the licensing, and, to a certain extent, the tariff rates, and what you might term the "package freight rates", not the bulk carriers.

If we consider the package freighters; if you are a shipper, and you ship something from the Maritimes, going to Montreal, and then to the head of the lakes by water, and then back on the railway, the tariffs are fixed to cover that.

Q. You have nothing to do with the steamships?

A. No.

Q. Would you like to comment on the other question?

A. No, I do not think I would.

BY MR. THOMAS (Oshawa):

Q. If the Board has nothing to do with the emission of smoke by steamships, who would have that authority?

THE CHAIRMAN: Would it be the Department of Transport?

THE WITNESS: I think that is where you would have to go.

MR. BELYEA: It has been indicated they had a fair amount of success in Montreal. I know they employ professional engineers, and I know the score very well, and that is one of the reasons they have been able to achieve that.

Do the railways co-operate there in allowing their inspectors to approach the government to learn something about the equipment, such as an over-fire jet, or heating up equipment, or any other equipment to prevent smoke? Do the railways co-operate in that regard?

THE WITNESS: My understanding is -- and I want to get the file as I am speaking only from memory now -- that this committee visited the roundhouses in different places, and they saw the changes in the installations and the effects of them.

MR. LESAGE: The by-law was passed in 1926.

BY THE CHAIRMAN:

Q. That is the 1908 Order, applying to equipment?

A. This (indicating) is the old one, dated June 2nd, 1948.

It reads:

"IN PURSUANCE OF the powers conferred upon it by Section 34 and 287 of the Railway Act, and of all other powers possessed by the Board in that behalf:

IT IS ORDERED THAT:

1. Every locomotive, stationary boiler and roundhouse operated in the City of Montreal by any Railway Company subject to the Legislative Authority of the Parliament of Canada shall be equipped so as to prevent the unnecessary and unreasonable emission therefrom to the atmosphere of dense or opaque smoke;

2. Every such locomotive, while passing through or being operated within the city of Montreal, and every such stationary boiler and roundhouse shall be so operated as not to permit the unnecessary and unreasonable emission to the atmosphere of dense or opaque smoke;

3. Where it is necessary to clean out the fire box or build a new fire the necessary and reasonable emission of dense or opaque smoke (of a density less than No. 3 of the Ringelmann Smoke Chart, as published and used by the U.S. Bureau of Mines), from each locomotive, stationary boiler, power plant and each smoke stack in the case of each roundhouse within the City of Montreal may be permitted for a period not to exceed six (6) minutes in any one hour;

4. The necessary and reasonable emission of

smoke of a density exceeding No. 2 of the said Ringelmann Smoke Chart from a stationary boiler or a locomotive steam engine standing at stations or in station yards in the City of Montreal may be permitted for a period of one and one half minutes in any ten (10) minutes;

5. In the ascent of grades in the City of Montreal the necessary and reasonable emission of dense or opaque smoke from each locomotive may be permitted for a period not exceeding ten (10) minutes in any one hour.

6. Every company or person offending against the foregoing Regulations or any of them shall be subject to a penalty of Twenty-five Dollars for every such offence."

MR. BELYEA: I may say that Montreal is still not satisfied with that, even though it is an improvement over 1908.

THE WITNESS: That was in 1948. There has been a great deal of discussion since that time. I think the city has now some kind of an ordinance.

BY THE CHAIRMAN:

Q. They have asked for provincial jurisdiction over that?

A. I cannot say.

Q. Your dealings have been with the city of Montreal only?

A. Yes, as far as I am aware.

BY MR. BRANDON, Q.C.:

Q. Does your Board go along with the thinking that provincial legislative bodies have complete jurisdiction over railways in the province, from a smoke-nuisance standpoint?

A. That is a legal question again. If you take the first part of that:

"In pursuance of the powers conferred upon it by Section 34 and 287 of the Railway Act, and of all other powers possessed by the Board in that behalf" --

THE CHAIRMAN: That is a matter of interpretation.

THE WITNESS: Yes, it says, "every locomotive, stationary boiler and roundhouse operated in the city of Montreal by any railway company subject to the legislative authority of the Parliament of Canada", and so forth.

BY MR. BRANDON, Q.C.:

Q. I noticed that when you read it.

A. For instance, consider a railway like the Ontario Northland; they do not come under us.

BY THE CHAIRMAN:

Q. That is strictly a provincial railway?

A. Yes.

BY MR. BRANDON, Q.C.:

Q. In the case of the Canadian National Railway and the Canadian Pacific Trans-Continental lines, while operating in the province of Ontario, would your Board be of the opinion that the province could govern smoke emissions?

A. I think I would have to say that, as far as the railroads are concerned, they are under Federal jurisdiction.

I do not think you can take a piece out of it, and say "this belongs under ~~pro~~vincial jurisdiction".

Q. Another point of view on that, Mr. Chase; we are speaking very informally, and we are getting around to the point where, if it affects the health of the citizens in an area, then it is a provincial matter.

MR. LESAGE: A provincial health matter?

THE CHAIRMAN: That is right.

THE WITNESS: I have Part V here. We will have to get Part I.

BY HON. MR. KELLY:

Q. Mr. Chase, we had a talk with the hon. Minister (Mr. Marler) and I think it was sort of a preliminary talk, and we hope to have another conference with him after he secures his information from here.

But the idea, generally speaking, is that we will be bringing in a report from this Committee, and we thought it might be desirable to have a little talk with the Transport Board here with the idea of being informed in regard to controls, as to whether it would be a Federal matter, as applied here, or whether it would be on the provincial level, and while I do not think it would amount to a great deal, it is a matter of some importance to know what could be done.

A. There are some of the things the Canadian National has done (indicating).

Here is a clipping from the Montreal Gazette of April 21st, 1953, entitled "C.N.R. Cuts Smoke on Draft".

It reads as follows:

"Montreal's four-man Smoke Abatement Committee took a look at the Canadian National Railway's newest device to cut down the volume of smoke at the Turcotte yards roundhouse yesterday afternoon, and termed it a 'step in the right direction'.

"The Committee attended the first demonstration here of the locoblower, a machine which fits on top of a steam engine smoke stack, and creates a better draft than any other device yet used.

"A better drafts results in a hotter and better-burning fire in the engines, giving off a minimum of smoke.

"The Committee Chairman, Councillor Marcel Lefaille, of St. Henry, where the yards are located, said:

'The locoblower will definitely be a great help in getting rid of a lot of smoke we have been troubled with in this district. The C.N.R. should be praised.'

"The three other members of the Committee, Councillor Roy E. Wagar, Councillor Percy Burrows, and Bernard Beaupre, the city's Smoke Control Engineer, also praised the new device, although Councillor Wagar said the city would not be rid of the smoke problem as long as we have steam locomotives. He said, 'What we really need is nothing but diesel engines'.

"The C.N.R. now has 19 locoblowers in operation today at the Turcotte roundhouse, roughly one for each three of the 56 pits in the shop.

"The device was first used here six years ago, and after experiments proved its worth, 18 more of the machines were built. The cost is \$1,000. apiece.

"Yesterday's demonstration was directed by Mr.

O. A. Boivin, the C.N.R.'s General Superintendent for the Montreal District, and Richard Babb, Superintendent of Motive Power, and car equipment for this region.

"The demonstration carried out on a mountain-type C.N.R. passenger-freight locomotive, showed the value of the locoblower in bringing up steam in the engine within sixty minutes.

"C.N.R. officials said it is much superior to the steam blowers, with which every engine is equipped, and to other devices, including the air ring in the smoke stack, and the over-fire jet, both of which cut down smoke by improving the draft.

"These two methods were also demonstrated."

That has been the result of these meetings they had down there, and co-operation by all concerned.

That is one of our reports. That (indicating) is from the Montreal Gazette. We have the reports from our own people, of course.

BY MR. BRANDON, Q.C.:

Q. Does your Board prescribe a minimum type of coal which can be used by the railways in Canada?

A. We have the power, although I do not know that we have exercised it. We have the power under the Railway Act to determine the kind of coal they shall use,

BY MR. ELLIOTT:

Q. With the situation in the city of Toronto, where the railways are down on the waterfront, and the prevailing wind in that city being what it is, about 75 percent. of the smoke is blown across the city, and it tends to give the city a very black outlook.

A. I can realize that.

Q. Do you not think the city should be given all the power that is possible to give them, to eliminate that, as much as possible, over the railroads in the whole city?

A. That is, the city to determine what power it has?

Q. I think we have a terrific problem there, the same as we have in Windsor.

In Hamilton, we have not that problem to the same extent, but we have a problem with steamships, over which we have no control.

You say you have no control over them at all?

A. Not that I know of.

I have here a copy of the Railway Act, and referring to Section 290, sub-paragraph "a" reads:

"The Board may make orders and regulations limiting the rate of speed at which railway trains and locomotives may be run in any city,

town or village, or in any class of cities, towns or villages; and the Board may, if it thinks fit, limit certain rates of speed within certain described portions of any city, town or village, and different rates of speed in other portions thereof."

Then, sub-paragraph "b" reads:

"With respect to the use of the steam whistle within any city, town or village, or any portion thereof;"

and, sub-paragraph "c" reads:

"With respect to the method and means of passing from one car to another, either inside or overhead, and for the safety of railway employees while passing from one car to another."

Then there are several sub-sections which I do not think are pertinent here, and we skip down to "k", which reads:

"(k) providing that a specified kind of fuel or a specified kind of power or method or means of propulsion shall be used on any or all locomotives and trains in any district; and
(1) generally providing for the protection of property, and the protection, safety, accommodation, and comfort of the public, and of the employees

of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company on or in connection with the railway."

Q. That gives you a great deal of power there.

A. I do not know that we have applied it, and told them what kind of coal to burn.

Q. Your Board has no regulations under that Section, subsections "k" and "l"?

A. Not that I recall. There might be some under "l". It says here:

"any orders or regulations under this Section may be made applicable during or after the construction of the railway, or during such time, and in such manner, as the Board deems proper."

We have our order and regulations with respect to safety and safety equipment. For instance, on a box car, you will see a sort of ladder on the side, and that may be someplace in here (indicating). It may be specified.

But , aside from that, we have put out orders requiring the railways to do this, that, or the other thing, for the safety of the employees.

Then, Section 291, reads as follows:

"The Board shall endeavour to provide for uniformity in the construction of rolling stock to be used upon the railway, and for uniformity of rules for the operation and running of trains."

It was just a few years ago we got the uniform rules in operation. It took a long, long time to work them out. In fact, we did not work them out. They were worked out by representatives of the employees. We simply approved them. So the operating rules are the same, and all in one book.

Prior to that, if you went down to Windsor, and were working on the Chesapeake & Ohio Railway, you would be running under the Canadian Book of Rules, leaving Windsor. When your train got out on the Chesapeake & Ohio tracks, then you would be under the Chesapeake & Ohio rules.

A little farther on, near London and St. Thomas, they were running for awhile on the London and St. Thomas Railway, and were under their book, and then when they got on to the Michigan Central tracks at the suspension bridge at Niagara Falls, they were running under Michigan Central rules.

MR. BELYEA: Has your Board done anything with regard to checking your locomotives, in regard to

smoke emissions? Have you done anything in regard to writing up a regulation?

MR. LESAGE: The Board's inspectors in the field are continually observing smoke conditions in other areas, and if there is anything objectionable, it is brought to the attention of the railway officials.

Of course, we investigate any complaints, with a view to removing undesirable situations.

MR. BELYEA: I would like to say something with respect to this proposed revision from Toronto. Actually, I wrote the original revision, a little over a year ago, when the city brought its problems to me, and in writing it up, I reviewed the various codes in the United States, and I know the top inspectors in most of the cities, and I found that some of the codes were quite sufficient, and some were not.

We do not want to have something upon which they could come back on us, and say it is unfair. However, we wanted improvements, so we were very careful not to take the strict sense, but we tried to go down the middle regarding the cities of Montreal and Windsor, and we discussed along with it those limits, and we decided to consider strictly those cities, and we checked and we found the inspectors were satisfied that it could be handled, and, in fact, they handled the problem quite well,

but the railways did not seem to be satisfied at all. As a matter of fact, in the last revision they omitted the cities of Hamilton and Windsor from their discussions, and they invited Professor Allcut, as a consultant.

I just wanted to say that. It seems rather strange that the railways were trying to even go below the middle of the line.

THE WITNESS: Answering your previous question -- and this (indicating) is about as "hot off the griddle" as you can get it, I have a report dated January 16th, 1950, addressed to the Director of Operations.

That report (indicating) was immediately referred to the railway, drawing their attention to it.

MR. LESAGE: That is being continually done.

THE WITNESS: As Mr. Ingle said, the inspectors are constantly watching it.

BY MR. ELLIOTT:

Q. How many have you working? How many inspectors?

BY THE CHAIRMAN:

Q. What happened then?

A. We took it up with the railway, bringing it to their attention, and asking them what they were doing, and what they had to say about it, and what steps were being taken to eliminate it.

Here (indicating) is the letter to the Canadian

Pacific Railway, drawing their attention to this report.

Q. Do they go back to the locomotive foreman, and say, "Here is this report; how come? You had better keep an eye on these things."

A. I can picture an engine standing down at the station, and some fireman getting down and putting in eight or ten scoops of coal, and opening the blower, and there is black smoke almost immediately.

If he would only put in two or three scoops at a time, instead of wanting to "sit on his fanny" so much, the smoke would not be coming out.

Q. Have you any report about the Lambton round-house?

MR. LESAGE: Yes, oh yes; many of them.

THE CHAIRMAN: I live out there, and I do not think they have improved it at all.

MR. LESAGE: That is not possible.

THE CHAIRMAN: We are hearing a deputation in Toronto on Thursday. A great many of these people vote for me, so I hope to be able to do something about that situation, and, believe me, it has not improved in the last ten years.

THE WITNESS: I will hazard one guess. Those fellows who are firing up those locomotives are the lowest-paid men, practically speaking. The job does not

attract the fellows who want to go someplace. So the result is perhaps some fellow with a foreign name will be doing that job.

Supposing you are the locomotive foreman, and this man does not speak the best of English, and you try to go to him and explain it, and, in a way, educate him.

Then, perhaps a few days later, you have a new man on the job. Then you have the 40-hour week, and your regular men work forty hours, and then some other fellow comes on.

I am satisfied, if you went into it there, day after day, you would find that is where part of the trouble comes from, that with the regular men who are trained to do that work, things would be very good.

But every once in awhile somebody comes along who does not care, or who is in a hurry, and the dispatcher says, "I want a certain class engine to leave on a train at two o'clock", and you are hustling to get the repairs done, and then it has to be fired up in a hurry.

I read the extract from the Montreal Gazette that every steam locomotive is equipped with a so-called blower, and there is a type which steams up, and there is a valve which you open and put the steam in. Then you can take the plug out of the boiler, and blow in steam from the roundhouse, to get your fire built up.

Again it comes back to what is put into the fire box to begin with.

BY THE CHAIRMAN:

Q. The taxpayers are not concerned with the technicalities; their property is dirty and their washings are dirty, and they say, "To Hell with all this routine; let us clean it up".

A. You might observe that roundhouse for five hours a day, and find nothing wrong with it, and in the next hour you might see black smoke rolling out good and plenty.

MR. BELYEA: The city is taking them into court in regard to the stationary engines, and it might also be that hitting the pocket books of the railways, might be the answer.

MR. GORDON: In my own municipality, we have an inspector part-time, and if there are any complaints from certain industries, it is watched carefully, and they are warned, and if they do not abide by the warning, they are taken to court and fined. The railways are able to do it their own way, and if it is brought to their attention, they write a letter saying, "Sorry, it does not affect us at all".

Knowing what is going on, do you not think if there was a penalty carried with it, it might make a

difference?

THE WITNESS: You have the International Joint Commission at Windsor, headed by General McNaughton.

HON. MR. KELLY: I think that is a question the Committee will have to answer when we bring in our report, I would say.

Here we are enquiring into the various powers, municipal, provincial and Federal. What would be the attitude toward the imposition of any authority in regard to this matter of the smoke business?

In order to get some relief, it seems to me it will require co-operation all the way through.

MR. BELYEA: Actually, I think the Board can levy fines against a company right now. I presume you could not operate it very well; you would have to have your own inspectors stationed around the cities.

THE WITNESS: I think that is generally left to the courts to handle.

MR. BELYEA: There is no provision in the existing Order for bringing them to time.

HON. MR. KELLY: The local inspector in Toronto, who was with us, said that one of the plants said it would require a quarter of a million dollars to instal equipment to control the fumes. That was in one of the lacquer plants.

He also said there were no teeth in the law to control these railroad roundhouses. In other words, he simply could not control them.

MR. BELYEA: He was not certain. He had not applied to the courts.

HON. MR. KELLY: No. He said he had no control. That is a proposition we have considered ourselves, that of giving the municipalities control within their own areas, of this smoke business.

THE WITNESS: Here (indicating) are the minutes of the meeting in Montreal.

MR. BELYEA: He is of the opinion he has not the authority --

HON. MR. KELLY: Let us consider Toronto. We were under criticism, because of the foundry situation. The Federal Authorities were under criticism because of no control allotted to smoke inspectors in the matter of railways in the cities.

If we bring in a report here, we thought we should consult with you people here.

MR. INGLE: I was under the impression it was incorporated in the city by-law.

MR. BELYEA: The city's lawyer recommended taking action, and stated it would cost so much money, and, for some reason or other, they did not feel like

pressing the issue into the courts.

MR. INGLE: I know of one case in Ottawa. The city took the railway to court, and it ended up with the railway being fined \$2.00.

MR. BRANDON, Q.C.: What was the theory back of that? Was that a penalty? They were guilty on a technicality, so to speak.

MR. INGLE: There is still smoke, and the valuable property in the neighborhood has gone down completely.

HON. MR. KELLY: We saw one foundry where there was not a bit of smoke coming out, so it is possible to control it. Supposing we cleaned it up to a point where it was not the nuisance it is now, yet property values are down to zero.

MR. BELYEA: When was that case of Ottawa versus the railway?

MR. INGLE: That is away back.

MR. LESAGE: That is a legal point which would be interesting. The city might have to have permission from the Board, to take the railway to court.

MR. BELYEA: It might require an enabling Act by the province.

MR. LESAGE: That is possible.

THE CHAIRMAN: Are there any further questions

to ask of the Deputy Commissioner?

MR. THOMAS (Oshawa): Mr. Chairman, there was a question put by Mr. Elliott, which I would like to have answered. That is, how many inspectors are in the province of Ontario, and how many in the city of Toronto?

MR. LESAGE: There are three in the city of Toronto. In the province of Ontario, there would be approximately five or six, so we cannot give much coverage, as far as this problem is concerned.

MR. BELYEA: 95 percent. of their work would be on other matters?

MR. LESAGE: Oh, definitely.

MR. ELLIOTT: Are they all engineers?

MR. LESAGE: They are all technical men.

THE WITNESS: Assigned to different duties. Some are assigned to mechanical work; some are assigned to operating work. Then others are working on the inspection of equipment.

MR. ELLIOTT: Are they supervising engineers, in their own line?

MR. LESAGE: Inspecting engineers.

MR. ELLIOTT: They are directly under your office?

MR. LESAGE: Yes.

MR. ELLIOTT: To see that the safety laws are

carried out?

THE WITNESS: Yes.

MR. GORDON: They could not spend much time on smoke control.

MR. LESAGE: No, but they see a condition, and endeavour to rectify it, or, if they get a specific complaint, they are directed to investigate it.

MR. ELLIOTT: Do you get many complaints from municipalities about smoke?

MR. LESAGE: The majority of them come from Toronto. Naturally, that would be true, because it is a very congested area.

MR. GORDON: When I am in Toronto, I stay at the Royal York, and it is terrific, what comes out of the railway yards.

MR. ELLIOTT: Do you get many complaints from Hamilton?

MR. LESAGE: No; I have no personal recollection of any.

THE WITNESS: Going out of Toronto, eastbound, it requires a helper engine on the heavy grade east of the city, and the railways are trying to pull full tonnage, and, of course, they have to have equipment to do it.

BY THE CHAIRMAN:

Q. What have you to say about sticking diesels in

there?

A. That is true, it might help.

MR. GORDON: We are told that for so many miles out of New York city, steam engines are not permitted to operate.

THE WITNESS: That is from 40 miles out, at Harmon. It is electrified from there in. They have had that for years and years. The New York Central has its operations into New York city, which is a sort of a what you might call separate operation.

I was going to add this: I think, in view of the reasonable success they have had in Montreal, as a result of this conference with the city people and our people, and the railway companies, which have co-operated to a great extent, I am not so sure you could not go further in the long run by something of that kind, rather than by legislation.

BY MR. GORDON:

Q. We have been told that the city and railways have co-operated, and they have been able to eliminate a great deal of the air pollution, and there have been very few convictions.

A. I think a conviction is hard to get.

MR. INGLE: I think Sarnia is a good example of that.

BY MR. GORDON:

Q. The Cadillac Company -- its Detroit plant -- spent \$500,000 on air-pollution elimination.

A. I think the city of Montreal has appointed a certain number of inspectors.

As I told your Chairman a moment ago, if an inspector sees a big column of black smoke coming from a roundhouse, he gets on the telephone and calls the locomotive foreman, and says, "How come?", and the foreman could then go back and put his finger on the fellow who was doing it. If it were not reported until the day after tomorrow, the foreman could not do that.

MR. INGLE: Each smoke stack has a number on it at Turcotte, and they can see what stack the smoke is coming from.

Of course, they also have their own railway inspectors on duty all the time.

BY MR. BELYEA:

Q. Have the railways put professional engineers, or anybody of that status, exclusively on the problem of smoke control, or is it just part-time work?

MR. INGLE: As to the qualifications of the men in charge, I cannot tell you. But I do know they have gone to a great deal of trouble to educate their men, and have spent thousands and thousands of dollars

trying to reduce the smoke emissions by mechanical means, but the weak spot, in my opinion, is they do not quite push the supervision far enough.

These things all depend on many elements.

MR. BELYEA: I know, but I think any combustion engineer would know you can get something from combustion, if you mix air and fuel in proper relationship, and get the proper mixing and the proper temperatures.

What I am interested in is this; as some of you know, do they really try to provide this condition in firing up? In discussions I have heard, both in Toronto and elsewhere, the equipment they have put in to fire up engines is sort of a makeshift piece of equipment.

MR. INGLE: I cannot agree with that.

THE WITNESS: I would be safe in saying this; as far as the railways are concerned, they are adequately equipped, according to people who know all of these different things.

When you get to the burning of coal, it is a very, very costly item in the operation of the railways, and insofar as they can save coal, they are out to do it. They send their men to conventions and other places to learn all they can.

I agree that to get the combustion to avoid

the smoke, the grates would have to be cleaned, and the coal just fed in slowly, and not thrown in by eight or ten scoops full at a time.

MR. BELYEA: From the figure we received from Mr. Linsky in Detroit, and what we have heard in other places, we find that many people do not think it is excessive to spend up to 5 percent. of their capital outlay on equipment. That may not be much in some businesses, but I am wondering if that is not, percentage-wise, quite a negligible figure.

THE WITNESS: I am satisfied they are actually as alive to it as anybody, and are very anxious to overcome it to any reasonable extent, and I am satisfied that in 99 percent. of the cases it gets right down to the human element.

You can put in everything you want to put in, but if I am a fireman, and I throw in eight or ten scoops of coal, and turn on the blower, even if the engine is operating, you will get black smoke. I remember fifty years ago, when there was considerable talk about smokeless fires, and the method of firing was the answer.

I can fire an engine -- as I did -- and I can "get away" with a very small amount of black smoke, if I can stay on the deck and throw in a scoop of coal as required.

The average fireman wants to get down on the deck, and do what we called on the railway "throwing in the Wabash", and then sit down on the seat afterwards.

On the other hand, in some cases, he is required to call signals, and he cannot be on the deck and call signals at the same time.

But with the stokers, if the fireman sees the engineer opening up, he can simply open the valve, and if he sees him easing up, he eases off on the valve.

But, as you know, you have to have steam to operate a locomotive.

BY THE CHAIRMAN:

Q. As far as the railroads are concerned, and the new employees, and all the problems they have with them, there are many industries in Ontario which come under the law, and those industries are co-operating with the authorities. We realize it is a difficult problem, but do you not think that as long as there is not something which says it must be done, we will not get satisfactory results?

A. Let me bring this home, and see if I am not correct.

We will say a big, stationary boiler is in some plant. If you went there, invariably you would find it is stoker-fed. It may be just moving along on

an endless chain, and coming back and dumping the ashes, but the coal is being put in by a stoker continuously, and provides a steady flow. Then you will not have that black smoke.

But when you get a hand-fired operation, and you have a chap on a stationary boiler, who throws in eight or ten scoops full of coal at a time, he will certainly have black smoke.

Q. Well, if somebody was going to be fined for it, they would not let him do that?

A. In a big majority of the big plants, they are not hand-fired.

Q. But if we had special limits, that is, everybody going around knowing they had to do something, it might be better? But there is very little compulsion and if the railways had a limit, and had to adhere to it, they might possibly do a better job.

A. Coming back to Montreal; I think they have solved the problem reasonably well -- perhaps not 100 percent.; that will never be -- but, as Mr. Ingle says, they have people in the roundhouses watching the job all the time now.

THE CHAIRMAN: They must be doing a better job than they are in Toronto.

MR. LESAGE: I would not think a direct steam

plant of the Canadian Pacific would reduce the smoke.

THE CHAIRMAN: You are getting more complaints from Toronto than from Montreal?

MR. LESAGE: We have no recent complaints that I can recall from Montreal, and in regard to smoke I think there was only one complaint from Toronto. The majority of the complaints are in regard to noise, rather than the smoke, from the switching operations at night, blowing the whistles, and ringing bells, and shuttling cars around. There are more complaints for that, than there are for smoke. It is the noise from the railway operations in the suburban areas of Toronto.

THE WITNESS: Strange as it may seem, we have even had complaints regarding the whine of the diesels. They do not like the sound of the diesel engines, when they are switching around a yard.

THE CHAIRMAN: Well, I think we will leave you now, Mr. Chase. We thank you very much for your courtesy in receiving us.

MR. MORNINGSTAR: I understand this is the Board which issues passes for members of the Legislatures. I was going to say how much we appreciate it. And a few of the members have mentioned that it might be possible to get passes for our good wives.

MR. LESAGE: That would surely cause a lot

more smoke.

THE WITNESS: The Federal members get a certificate which is issued by the Speaker. Then, if they have dependents, and want to take them with them, they request transportation for the dependents, too.

Members of the Federal Senate and the House of Commons get something like that (indicating). That comes under the Railway Act, and the railways have a right to do it.

If the railways followed the regulations -- I might tell you first, that a record of every pass issued by a railway, under the authority of the Board of Transport Commissioners, has to be furnished with this Board every year, and if we find they have given somebody free transportation, who is not entitled to it under the law, they are in trouble.

THE CHAIRMAN: Well, Mr. Chase and gentlemen, I thank you on behalf of myself and the Committee for the courteous hearing we have had this morning, and for the information you have seen fit to have given us.

THE WITNESS: It has been a pleasure.

---The witness retired.

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---General Order No. 18, Order No. 5678, dated Nov.25, 1908, attached hereto and made a part of this record, is in words and figures, as follows, to-wit:

"

GENERAL ORDER NO. 18

Order No. 5678

Wednesday, the 25th day of November, A.D. 1908

Hon. J. P. MABEE, Chief Commissioner.
D'ARCY SCOTT, Assistant Chief Commissioner.
Hon. M. E. BERNIER, Deputy Chief Commissioner.

In pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act, and of all other powers possessed by the Board in that behalf,--

IT IS ORDERED THAT:

1. Every locomotive steam engine operated in the province of Ontario, by any railway company subject to the legislative authority of the Parliament of Canada, shall be equipped so as to prevent the unnecessary and unreasonable emission therefrom to the atmosphere of dense or opaque smoke and every ushc locomotive steam engine shall, subject to clauses 2, 3, 4 and 5, while passing through or being operated within any city, town or village, be so operated as not to permit the unnecessary and unreasonable emission to the atmosphere of dense or opaque smoke.

2. Where it is necessary to clean out the fire box or build a new fire the necessary and

reasonable emission of dense or opaque smoke within any city, town or village may be permitted for a period not to exceed six minutes in any one hour.

3. The necessary and reasonable emission of dense or opaque smoke from a locomotive steam engine standing at stations or in station yards, in cities, towns, or villages, may be permitted for a period of one minute in any ten minutes of any one hour.

4. This order shall apply to and be in force only in such cities, towns and villages in Ontario that have passed or may hereafter pass by-laws for the control, regulation or prohibition of dense or opaque smoke from stationary steam engines, or a by-law or by-laws to the like effect.

5. In the ascent of the Scarboro grade easterly out of Toronto, or the grade east and west of Hamilton, the necessary and reasonable emission of dense or opaque smoke may be permitted for a period not to exceed ten minutes in any one hour.

6. Every company or person offending against the foregoing regulations, or any of them, shall be subject to a penalty of twenty-five dollars

for every such offence.

7. This order shall take effect on the
1st day of January, A.D. 1909.

(signed) 'J. P. MABEE';

Chief Commissioner".

---Whereupon the further proceedings of this Committee
adjourned, at 1:10 o'clock p.m., to reconvene in the
city of Toronto, Thursday, January 26th, 1956, at
two of the clock in the afternoon.

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P R O C E E D I N G S

OF THE

SELECT COMMITTEE, APPOINTED BY THE ONTARIO
LEGISLATURE, TO ENQUIRE INTO CERTAIN MATTERS
AND LEGISLATION REGARDING SMOKE CONTROL AND
AIR POLLUTION, IN ONTARIO.

Mr. A. H. Cowling, Chairman,
Presiding.

Dr. Frederick Evis, Secretary.

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VOLUME XXII

Thursday, January 26th, 1956.

Toronto, Ontario.

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T W E N T Y - S E C O N D D A Y

Toronto, Ontario,
Thursday, January 26th, 1956,
2:00 o'clock, p.m.

- - - -

The further proceedings of this Committee
reconvened pursuant to adjournment.

PRESENT:

Mr. A. H. Cowling, Chairman,
Presiding.

Messrs. Elliott,
Murdoch,
Macaulay, Q.C.,
Morningstar,
Gordon,
Thomas (Oshawa),

Dr. Fred. Evis, Secretary.

- - - -

APPEARANCES:

Mr. Harry Belyea,	Hygienic Engineer, Department of Health, Ontario.
Mr. B. C. Newbury,	Ontario Research Foundation.
Mr. Walter Miller,)	
Mr. Albert Cormack)	Ontario Farmers Union.

Mr. Hector Fraser,	}	Ontario Farmers Union.
Mr. Lloyd Hassen,		
Mr. L. B. Allan,		Commissioner of Works and Roads, Metropolitan Toronto.
Mr. J. Palmer Kent, Q.C.		Assistant Solicitor, City of Toronto.
Mr. Frank Moore, Q.C.,		Solicitor, Metropolitan Toronto.
Mr. James Hicks,		Past President of the George Symes Ratepayers Association.
Mrs. Ann Solosky,		Representing West Toronto.
Mr. L. J. Cudbird,		New Toronto.
Mr. O. R. Barefoot,		Superintendent of Motor Power, Canadian Pacific Railway.
Dr. J. M. Gilroy,		Assistant Medical Office of Health, North York.
Miss Eryl Levers,		Secretary, Toronto Peace Council.
Mr. Baxter,		Executive, Toronto Peace Council.
Mr. Robinson,		Executive, Toronto Peace Council.
Mr. Bruce Mickleboro,		Executive Secretary, Canadian Peace Congress.
Mr. Frank Hoch,	}	Toronto Peace Council.
Mrs. Frank Hoch		
Mr. Helmut Fugel,		Dominion Ceramic Works.
Mr. John Neilson,		Chief Smoke Abatement Officer, City of Toronto.

THE CHAIRMAN: Gentlemen, we will bring the meeting to order. We have here a representative from the Ontario Farmers' Union. Would you come up here, Mr. Miller, if you please.

W A L T E R L. M I L L E R

First Vice-President, Ontario Farmers' Union, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: I would like to say at the outset, that we are very glad to have the opportunity to be here today, in order to place this brief before you.

If you have some doubt about some of the points, I hope the members of the Committee or yourself, Mr. Chairman, will feel free to ask questions or to enter into a discussion on this matter.

We are most anxious that we should be able to put our points in a way which would be of use to you, and to put them very plainly.

Apart from that, the brief is, perhaps, self-explanatory.

BY MR. MACAULAY, Q.C.:

Q. Where are you from?

A. From Tara, up in Grey County.

BY MR. ELLIOTT:

Q. Is that near Sudbury?

A. No; it is in Grey County, toward Owen Sound.

Q. What is your position?

A. I represent the Farmers' Union organization.

Q. You have an organization which extends over the whole province?

A. Quite a bit of it. It extends over the Sudbury area.

I will read the brief now. It is as follows:

" We, of the Ontario Farmers' Union would like to express our appreciation to the Chairman and members of this Committee for the opportunity of appearing here at this time to present to you our views on this very important matter.

Our presentation to you today deals exclusively with the area in and around Sudbury which is affected by the sulphur fumes from the smelter plant of the International Nickel Co.

At the outset, we would like to point out that while our organization is young in Ontario, we now have some two hundred locals established in this province with an extensive membership in the Sudbury district, and the recommendations made here today are the direct requests of these farmers.

We would like to bring to the attention of this Committee, that each year an unassessible amount of damage is being done by the sulphur fumes from the smelter plant of International Nickel Co. As well as the very extensive damage being done to vegetation, crops and vegetable

"gardens, a considerable amount of damage is evident to metal structures, such as steel roofs, wire fences, farm implements, etc. It is also claimed by many competent medical health authorities to be a definite health hazard."

Perhaps I may elaborate a little on the brief, gentlemen. I have been informed by some men in the Sudbury area that some samples of wire fences were left with the Committee when it was in that area. I understand the Committee made some studies of the farms there.

I hope you noticed one thing when you were up there, that in the case of steel roofing on a barn that the side of the roof which faced the smelter plant was much more corroded than the part which faced away from it. This struck me as something which was very severe. I hope the Committee noticed it at that time, but in any case I would like to bring it to your attention now.

The brief goes on:

" At this time, we would like to point out that we have on previous occasions asked the Ontario Government to enact legislation to correct this situation, but so far have seen no action outside of the establishment of this Committee.

In this presentation, we offer what we believe is the only solution to this problem, and while we know this Committee has not the power, alone, to make these amendments, we are hopeful that you will make recommendations to the Ontario Government and use your influence to see that these are implemented.

Many attempts have been made in the past to assess the damage done by the fumes from the International Nickel Co.'s smelter plant with each attempt failing. It is now evident that to assess these damages properly, is next to, if not impossible."

That is a broad statement, I think it is one upon which we can all agree, having seen the amount of damage which has been done, and no one can say the effect it has on health to say nothing of the damage to vegetation, and to the forests, in the northern part of the province, owned by us in the south.

There has been no means yet of properly assessing the damage which is being done; that is, of accurately assessing it.

" After having made an extensive study of the sulphur fumes effect, existing legislation and other details connected with International Nickel Co., we believe there is only one solution to solve

this problem permanently.

We ask that the Ontario Government enact legislation compelling International Nickel Co. to remove the poisonous gas from this smoke. While some will argue against this, we would point out that it has been done in Trail, B.C." -- and in many places in the United States, which have not been enumerated here.

"We would further point out that in Great Britain, it is against the law to operate a smelter without these measures being taken. While it may also be argued that such a measure would cost considerable, we have only to look at the profits of the company to show that such an argument is ridiculous."

I hope that you have investigated this angle, also, gentlemen, and I am not a bit afraid of what you will find out if you do, because we investigated to find out if it was possible, and sensible to suggest such a thing, and we found that it was.

BY MR. MACAULAY, Q.C.:

Q. Have you any idea of the cost?

A. The cost of taking the poisonous gases out?

Q. I would like to be helpful in this matter.

Can you tell me the cost, for example?

A. There is a filter system which can be used

I do not pretend to know all the details about it.

I am not a smelter man. There is a method of taking the poisonous gas out.

Q. I know there is a method, but you say that by looking at the balance sheet one would see it would not disrupt a reasonable balance. What I am anxious to know is what it would cost a company to install the equipment.

A. I have heard different figures.

Q. What figures have you heard?

A. I have heard up to \$30 million.

Q. Have you heard any other figures?

A. I said "up to \$30 million". I also saw in the paper -- it was on the financial sheet, and I have no reason to question it -- that the profits of the Company for the first six months of 1955 exceeded \$45 million. So when you look at this thing occurring from year to year, I think our request is quite reasonable.

Q. What is their capital investment?

A. I do not know.

Q. Who gave you the figure of \$30 million?

A. I am not prepared now to say who it was. They were people in that area. I do not know whether it came from other investigations or not. There have been other investigations by the Ontario government at various times.

Q. I do not want you to think I oppose your conclusions, but I was interested in what you say, that you have nothing of substance to submit to the Committee, in relation to the expense involved.

A. No. Our brief continues:

"We further request that until such time as this legislation is enacted, that a different means of arbitration be established as the present system is most unfair and inadequate. We ask that the Government arbitrator in the Sudbury district be relieved of his duties at once as many farmers of that area no longer have any faith in him. Cases have been cited where he has offered as a settlement much less than that offered by International Nickel Co."

I assume that you all understand the existing legislation, and the procedure which is followed, that the Company was to make remuneration for this damage to the farmers. They considered asking the courts to study this problem, and fining the Company in this matter.

BY MR. MACAULAY, Q.C.:

Q. Can you summarize the procedure of a farmer having a complaint? How would he go about it?

A. Yes, I can summarize that for you. If you, in the middle of summer, had a ^{barn} ~~barn~~, and at the time

the atmosphere was rather heavy, you notify the Company, and it would send their agricultural man out and you notify the arbitrator, Mr. Murray, to investigate, and he would come out.

Q. How long has Mr. Murray been there?

A. I cannot tell the exact time. It would be a number of years. They would look over the situation, and I assume make some notes. There is no other way of properly assessing it.

We have at times taken photographs. I believe that photographs were submitted to the Committee in Sudbury, and this may have occurred several times. In the fall of the year, when the crop is off, the farmer endeavours to settle with the Company. If he fails to reach a satisfactory agreement, he may appeal to the arbitrator, who will hold a hearing between the representative of the farmer and the representative of the Company, and evidence is taken.

Q. How could the settlement offered by the arbitrator be less than the amount that the Nickel Company offered?

A. That is the example I have cited, where he has done this.

C. Before you go on to arbitrate, not being satisfied with the Company's offer, may you not find you are

like a dog with two bones; instead of having one, you end up with none?

A. That has been the case.

MR. THOMAS (Oshawa): I think the International Nickel Company offers a certain amount of compensation, but the farmer is dissatisfied and appeals to the arbitrator; then the arbitrator gives a decision which may be less than the Company offered.

BY MR. BELYEA:

Q. The offer by the International Nickel. Might that not be on the generous side, or would you say the arbitrator's settlement was too small? Have you any reason to believe that?

A. Yes, I have. I was up there in 1954, when the area was organized, and the farmers requested me to sit in with them. I did so, and I sat back and listened while the case of Paul Rainville was negotiated with a representative of the Company. His claim -- I may be mistaken on the exact figure -- exceeded \$1,300 and he was offered \$175.

BY MR. MACAULAY, Q.C.:

Q. He was offered \$175. by the Company?

A. Yes.

Q. How much did he get from the arbitrator?

A. The arbitrator gave him \$225. I have been a

practical farmer all my life, and I do not think he exaggerated anything.

Q. He was claiming \$1,300.

A. Yes, and I think he was very, very conservative.

Q. How close does he live to the International Nickel Company property?

A. As the crow flies?

Q. Yes.

A. Ten miles -- as the crow flies. I think you were on his farm.

BY MR. ELLIOTT:

Q. Ten miles away?

A. I think he is about 15 miles by road.

Q. This is repititious, I am sure, but in a few words, what was the general nature of his damage?

A. This is 1954 I am speaking of.

Q. I am asking about this instance.

A. There were several what we call "burns". Some refer to them as "bleaches". He had quite a number of things damaged. I could give you a list.

Q. Do not do that. Could you give it in general?

A. There was damage to his entire crop, in everything he grew -- in potatoes and grain.

Q. Did he lose his entire crop?

A. No, not the entire crop. He had only to

estimate the damage done. He had suffered a severe setback. In that particular fall it delayed the harvest, as it was a hot fall, so it was difficult to estimate the damage which was done.

Q. Which direction is he in from the International Nickel Company's plant?

A. North or approximately north.

BY MR. MURDOCH:

Q. I might point this out. We found it most difficult, while we were there, to have the farmers give us some real figures, or real points with regard to the damage. Everything was worked out on a kind of hypothetical basis, in many cases. The general idea was that if there had been rain later in the year, there would have been such and such a crop; if it had been dry so it delayed the harvest, that would have made a different market price. It was very difficult on our visit to actually assess the damage.

Also, if you got very favourable weather after the burn, the crop may come out of this condition much better than if you had dry weather after the burn. So it was very difficult to arbitrate that.

Of course the point is -- and we might as well finish this -- we were given figures to show that approximately half a million dollars was given to these

farmers every year by the International Nickel Company as compensation. Those are rough figures. It was said that if they eliminated all this nuisance, they seemed to think the farmers would not be that \$500,000 better off. Compensation is definitely a part of the farm activities.

A. If you allow me to finish this brief, I will contradict that statement beyond any shadow of doubt.

BY MR. MACAULAY, Q.C.:

Q. May I ask these questions as they come up? Would you say that an Arbitration Board, appointed by the government and by the Farmers' Union, -- since you apparently complain (a) of the complexity and (b) of the magnanimity of the arbitrator, what would you say to a Board of Arbitration composed of a member of the International Nickel Company, an arbitrator appointed by the province, and a member of the Farmers' Union?

A. It would certainly be a lot better than we have at present.

Q. Have you anything to propose or anything in your mind, short of saying that what is there is not satisfactory?

A. Yes. I think that our brief makes that request.

Q. I am sorry. I may have anticipated you.

A. Maybe we have passed it, or maybe we are not to it yet. But I know it is in the brief. I will continue to read it.

"To substantiate this argument we will point out that we have in our possession, copies of the evidence of the arbitration between Paul Rainville and International Nickel Co. in the fall of 1954. We also have sworn affidavits from farmers who witnessed the arbitration, that the evidence prepared by Mr. Murray is a fictitious document and contains untrue statements."

That statement is one I can prove. I know this beyond any shadow of doubt.

BY MR. BELYEA:

Q. I understand there have been only about eight cases of arbitration brought in seven years, can you say in which cases -- I ask this because you say there that "cases had been cited" -- but was there more than one case in which he was offered less than that offered by the International Nickel Company?

A. Perhaps there is. I talked to Mr. Murray, and I am well convinced, beyond any doubt, that he is not an arbitrator. An arbitrator should be a neutral man, to be a good arbitrator. I say he is not.

BY MR. MACAULAY, Q.C.:

Q. You say he leans in the direction of the

International Nickel Company?

A. Very definitely.

BY MR. BELYEA:

Q. So there is a tendency to accept the Company's offers?

A. Yes. Many farmers have taken the direct offer, because they felt there was no chance of getting anything else. It was only since they had the Union ---

BY MR. MACAULAY, Q.C.:

Q. Is there any appeal from Mr. Murray?

A. Yes, to the Municipal Board.

Q. How many have gone to the Municipal Board?

A. Only one in the last two years.

Q. Was that decreased, increased or confirmed?

A. That is in the brief. I am glad you brought that up. I hope you will bring more up.

Q. I am sorry. Please go on. These things have occurred to me.

A. I will continue the brief:

"In connection with damages under the Sulphur Fumes Act, it states that the farmer may appeal the decision of the arbitrator to the Ontario Municipal Board, --"

Watch this, gentlemen; I would like to underline every word in this sentence --

"--but the appeal to the Municipal Board must be based on the evidence prepared by the arbitrator."

BY MR. MACAULAY, Q.C.:

Q. Is the evidence taken on oath before the arbitrator, or anything of that nature?

A. No, it is supposed to be taken by the clerk or an official.

Q. When somebody gives evidence before the arbitrator, is it sworn to? That is, do they swear to "tell the truth, so help them God" etc.?

A. No, I believe not.

Q. Would not one part of the complaint be obviated, if the evidence was taken on oath, transcribed and in due course handed to the Municipal Board?

W. Would not that get around the preparation of the evidence by the arbitrator?

A. I do not quite follow you.

Q. Well, it would anyhow, all right.

A. The evidence is based on this: When you appeal to the Municipal Board, you do not bring in the facts you know exist. You have to base the appeal on the evidence.

I have a document here in my pocket, but I am not prepared to submit it. Perhaps you have had some copies submitted to you, but certainly, if you have not, they could be made available from the Sudbury office.

Q. How long does one arbitration normally take, for one person?

A. Only a short time. I would say only an hour or two.

Q. Then I put my proposition to you again. Why could not the evidence of the farmer involved, and any witnesses he calls, and any witnesses called by the International Nickel Company, be taken down in writing, and the witnesses sworn, and then "transcribed" as we call it - What is another word for that? -- and then a transcription sent in to the Municipal Board, upon which the Municipal Board could base its hearing? Why could that not be done?

A. I do not think that would be satisfactory. I am not prepared to submit this document --

Q. Please deal with my question. Why could that not be done? It is done every day in the courts?

A. We have to go back to this document, with the evidence of the arbitrator.

Q. I want to wipe that out, and I am suggesting an alternative, and I ask you what is wrong with the alternative I suggest?

A. There may be some merit in it.

Q. Yes, if it is true. The evidence comes out of the mouths of witnesses, and is taken down. The

Municipal Board then has the opportunity of re-assessing it, simply by reading what they said, rather than the arbitrator saying what they said. That is a system that has existed since Ceasar landed at Thanet.

A. I do not think it would meet this problem.

The brief continues:

"At this point we would like to draw the attention of the Committee members to the fact that it is impossible to receive a just decision from any board when your case must be based on a document containing false information."

That is the reason for that statement, that here we were asked to come in and argue a case before a lawyer, on a document which contains statements which are not true, on things which did not happen -- in other words, false evidence.

The brief continues:

"To substantiate our argument further, for new and better legislation, we would point out that it is most impractical, if not impossible, to expect hundreds of farmers to appeal to the Municipal Board as the cost is prohibitive, as we have had the case of Paul Rainville in the hands of our attorney since the fall of 1954, and this case is still not settled and may not be for some time."

That is a very sound argument, and a good enough reason why the existing set-up is inadequate, the fact that it is over one year or a year and a half, and we have had no settlement whatever.

BY MR. MACAULAY, Q.C.:

Q. Do you not agree that no matter what system you set up, if one side is not satisfied with the quantum of the award, should they not have the right to appeal to some other body?

A. Yes.

Q. You say it is not satisfactory. What substitute is there, if you do not allow an appeal to another body?

A. That seems to be the difficulty. We have had trouble getting an appeal to the Municipal Board.

Q. Why?

A. Because, according to the Act, they did not want to hold a second hearing. We held one here, and all the proceedings were fictitious. We have the transcript taken down word for word by our own stenographer. And I told him, the Chairman of the Board, -- I think it was Mr. Yates, -- that the documents were fictitious, and asked for a new hearing. Both parties agreed, and we were told we could have one, I understood, in a month, or a little more. That was approximately a

year ago. It has been put off, and put off, and is still being put off for some reason. There has still been no hearing.

BY MR. GORDON:

Q. Who pays the cost?

A. The farmer must deposit \$25.00.

BY MR. MACAULAY, Q.C.:

Q. Under the Municipal Board provisions, anyone who seeks to appeal to the Municipal Board has to pay \$25.00. That was simply to stop anybody from appealing when someone runs over someone else's petunia. But it does not prohibit or stop a case being heard on the merits.

Mr. Miller, I think something should be done about the transcript of the evidence. If that had been done in this case, you would not have had to have a second hearing, your evidence would be in writing before the Municipal Board.

MR. ELLIOTT: I do not think it is fair to accept this evidence, as we have it here, without having both sides of the story. I think we should have both sides.

It is all very well for him to come here and say it is fictitious, but there are two sides to every story, and we should have both sides before we make up our minds.

I think it is ridiculous to simply accept the man's side of the story only.

MR. THOMAS (Oshawa): But this was not based on the ground that fictitious evidence was given.

MR. ELLIOTT: I think we should ask Mr. Murray to come and defend himself. I think he should not be criticized unduly, without being given a chance to defend himself.

MR. MACAULAY, Q.C.: I think we should subpoena him.

THE CHAIRMAN: Let us hear the remainder of the brief.

THE WITNESS: The brief continues:

"During the past summer a petition was signed by several hundred farmers in the Sudbury area, asking that Mr. Murray be relieved of his duties as they did not wish to have him on their property. We are, to say the least, disappointed to note that their requests were ignored, and as a result the farmers have no appeal from the Company offer of settlement which, in most cases, represents only a fraction of the claim."

And that is, of course, for 1955. The farmers who signed that petition asked that a new arbitrator be brought in, and have to appeal because they did not go

to Mr. Murray.

BY MR. BELYEA :

Q. To whom was it sent?

A. I understood it was sent directly to the Minister of Agriculture?

Q. Perhaps you would let us know to whom that was sent.

A. I will, by all means. I will continue reading the brief:

"We would ask that an impartial board be established to deal with sulphur burns in the Sudbury area until such time as the necessary legislation is enacted which, we hope, will be sufficient to eliminate any further disputes."

BY MR. MACAULAY, Q.C.:

Q. How many farms does this involve?

A. I do not know the farm population in northern Ontario. I am told that with the new stack the smoke will go out as far as seventy miles.

BY THE CHAIRMAN:

Q. How many members have you in the Sudbury area?

A. Approximately 200.

Q. That would represent how many farms?

A. Approximately 200.

Q. Two hundred farms and two hundred members.

What percentage of those members are affected by this

proposition?

A. I believe they are all affected. I do not think they all file claims, but I would say the vast majority do so.

BY MR. MACAULAY, Q.C.:

Q. Will they not all be affected to some extent?

A. I think so.

BY MR. ELLIOTT:

Q. How many of those are full-time farmers, or do part of that 200 work in the mines or saw-mills part-time, and just "play around" with farming?

A. Some of them work in the mines -- I do not doubt it a bit.

BY THE CHAIRMAN:

Q. Could you give us the percentage of how many of the two hundred have other employment?

A. I could not begin to give the number. The situation is changing. We do not have to go too far from southern Ontario to find farmers with other employment.

Q. Would you say some of them work in that way?

A. I would say some, perhaps not half.

BY MR. ELLIOTT:

Q. Some are not actually real farmers.

A. They are people who would prefer to farm far

above everything else -- any other occupation.

BY MR. MACAULAY, Q.C.:

Q. Have you any idea what the percentage of the two hundred is to the total number of farms in the district?

A. I cannot say.

Q. Are you speaking for a fairly large ambit of people or a small number?

A. I know I am speaking for a lot of farmers in that area. I do not know the percentage. I know it is not as densely populated agriculturally as southern Ontario. Most of the complaints come from what is known as "the Blizzard Valley," where we hold a large concentration of membership. We also have some members out to the east.

Q. How far away is that?

A. Blizzard Valley is eight or ten miles away. That is where the Rainville farm is situated.

BY THE CHAIRMAN:

Q. The Committee would like to know what are the requirements of membership in your Farmers' Union?

A. Who pay the Union dues?

Q. Amounting to how much? Upon what is the figure based?

A. Yearly: 50 cents a month, \$6.00 a year.

Q. Anything else?

A. No, other than being a farmer.

BY MR. MACAULAY, Q.C.:

Q. What do they obtain in return? What is the quid pro quo? Is it the general representation of their interests?

A. Yes. I now come to a point where I wish to contradict the gentleman who suggested that the farmers might be better off with the subsidization by the International Nickel Company.

I attended the first annual convention and so did our President, who is here today. They endorsed a resolution asking that the International Nickel Company be compelled to remove these fumes.

Q. In regard to my friend who has made the statement, I think you have misunderstood him. He is interested in the farming business as much as you are, Mr. Miller. He would not suggest that these farmers are more interested in remuneration than they are in farming.

He was asking you a question in which he was interested.

A. I was requested to come here today. It was a direct request from those farmers. I believe they are the finest group of people you could ever wish to

meet. They are sincere and honest, and they have expressed a desire to be freed of this plague, and being a farmer myself, and seeing the damage, I can well understand it, and I sympathize very strongly with them and support them very strongly.

Q. We do sympathize, too. Please do not think we do not.

A. I am glad of that. I hope we can look forward to some major changes.

Q. That is why we are sitting here, to get a better understanding of some of these problems.

A. That brings us to the final paragraph.

"Once again, we would like to repeat that we appreciate the opportunity of appearing here at this time and offer our recommendations in a spirit of co-operation. We trust our suggestions will be helpful to this Committee and that our requests will be given early and favorable consideration.

All of which is respectfully submitted on behalf of

The Ontario Farmers' Union."

THE CHAIRMAN: Thank you, Mr. Miller. Are there any further questions?

MR. ELLIOTT: The only thing I would like to

say is that if we are going to accept this, I suggest Mr. Murray should be called to explain his side of the case. I do not think it is fair to accept any evidence unless we hear from both parties.

MR. MACAULAY, Q.C.: I would say in defense of what Mr. Miller has said, regardless of what Mr. Murray may say. I think it is improper, in this day and age, that evidence should be submitted on an appeal to the Municipal Board, based on anything other than a direct transcript of what was said. I would not want someone to swear to a condensation of things I had said.

When I give testimony, I want it taken down verbatim, and then heard on appeal.

THE CHAIRMAN: Are there any further questions?

MR. THOMAS (Oshawa): In regard to most of the things in the brief read by Mr. Miller, I think we observed them when we were at Sudbury, and while this evil is allowed to continue -- and there is a request that the question of arbitration should be tightened up -- I feel that the farmers are more interested in a healthy community than in remuneration for damages, and after the desolation we saw I think the government should be asked to do something, compel the International Nickel Company to do something about this problem.

There was a discussion on the profits of the

Company. I am not concerned about the profits of the Company, as I am about the health of the community. The only thing the International Nickel Company has done is increase the height of the stacks. That is not sufficient. It only means it is taking up the smoke into the air a greater distance, from the ground, but the pollution is still there, and it is being taken away to greater distances. I have great sympathy with the brief presented by Mr. Miller.

BY MR. NEWBURY:

Q. Are you satisfied with this figure of \$30 million?

A. No. It could be more or less.

MR. MACAULAY, Q.C.: He does not know where he heard it, or from where he got it, and presumably he does not know where they got it from either.

MR. NEWBURY: I have some figures here for the International Nickel Company. They release one and a quarter million long tons of sulphur. That is equal to five times Canada's import, and twice the United States' export.

That is worth probably more than \$50 or \$100 million. I am sure if they could recover it for \$30 million expenditure on the plant, they would be very happy to do so. If it were economic, the market would

cover it.

MR. MACAULAY, Q.C.: One of two things.

Either there is not that much sulphur --

MR. NEWBURY: Oh, sulphur is definitely there.

MR. MACAULAY, Q.C.: Then the price is not in line.

MR. NEWBURY: I agree with that.

THE WITNESS: I understand that. Maybe I am speaking from hearsay, but I understand they do recover some. They find it profitable, and they find a market for it. There is this angle to consider: there is a feeling amongst the farmers in that area that the International Nickel Company do not want to spend this money, in order to put a stop to this. It has been proven that it can be done. It has been proven it is practicable to do it, but they feel it is easier to compensate the farmers by means of a few thousand dollars, than to spend a few million dollars.

BY MR. MACAULAY, Q.C.:

Q. \$30 million is not a "few". You said it is practicable? What do you mean by "practicable"?

A. I mean "possible". I did not intend to say "practicable". It has been done in other areas.

BY THE CHAIRMAN:

Q. You say they should take the \$30 million out

of profits?

A. \$45 million was the figure which I read on a financial page of a paper for the first six months of the year, which would give them a profit of \$90 million for the year. If you took it over a ten-year period, and broke it down, it would represent only a small portion of the profits. But who, amongst us here, is in a position to put a price on the health of the people. We know it has been suggested it is a definite health matter.

BY MR. ELLIOTT:

Q. It has only been suggested that it is a health menace. That has never been actually proven.

A. Of course, the logical point which should convince any of us is if these fumes can eat into metal in the manner they do, it is easy to realize what they can do to a human being.

MR. THOMAS (Oshawa): We went into a smelter and we thought the men there seemed to be quite contented, but we just walked around and very soon every member of our Committee began to cough.

MR. ELLIOTT: There is bound to be some of that in any industry, no matter where you are.

MR. THOMAS (Oshawa): It is a very bad situation, there.

MR. MURDOCH: I would like to point out to Mr. Miller that we sat in Sudbury and we listened to the farmers. We went out and saw the farms, and we realize they do suffer.

We know this government, as long as I have been a member -- since 1943 -- has been trying to deal with this problem through arbitration, which I think in most cases, has worked out fairly satisfactorily. The only point about the recovery is that there certainly is not a market in Canada for the recovery of this material, and only a fraction of it can be sold. They are working on that problem at present.

The C.I.L. have a scheme to recover this sulphur from the fumes. Even so, in any smelter plant or chemical plant, regardless of all precautions being taken, there could always be a spill or an accident in the plant, which gets out of control. That can do a lot of damage to the crops.

You could recover all this and still every once in a while have a spill or an accident and damage your crops. It is a contentious matter, which needs to be studied from both sides, and I think it is something upon which we will make definite progress, and it should be included in our report.

THE WITNESS: I hope so. I would like to

say that this Union does not agree that the system has worked satisfactorily. Perhaps in the view of some members of the government, it has worked satisfactorily because the farmers have found it useless to complain.

However, they have organized now, and they no longer stand alone, but together. Certainly, I think I can speak for the majority, in saying they are looking forward to the day when they can be relieved of this plague.

THE CHAIRMAN: We will certainly do all we can about it.

MR. ELLIOTT: I think every member of this Committee is most anxious to do that.

THE CHAIRMAN: You are aware of our trip to that area. We personally visited with the farmers, and saw their problems. We have done that much already, and if necessary, we will go there again.

MR. MURDOCH: If they are not satisfied, it is well you came here today. We appreciate that, because some famous man said: "The world belongs to the dissatisfied". I think that is true.

MR. GORDON: Mr. Chairman, the President of the Union is here, and perhaps Mr. Miller may have missed something.

MR. MACAULAY, Q.C.: Let us ask if there is

anything he can add?

THE CHAIRMAN: Is there something you would like to say?

MR. CORMACK: Mr. Chairman and gentlemen: We have in our delegation this afternoon, a gentleman from Tara, one of our members. He just happens to have this sample of a cigar lighter in his pocket. This cigar lighter (indicating) is one he had when he passed through Sudbury last year. The cigar lighter got rusty. It had never been rusty before, and has never been rusty since. He attributes this rust to the experience of going through Sudbury, and he thinks that accounts for it.

MR. MACAULAY, Q.C.: Better use matches.

MR. MURDOCH: Better have an aeroplane detour around there and not go through the bush.

BY MR. ELLIOTT:

Q. Was it in his pocket?

MR. CORMACK: It was in my pocket, apart from the time I lit a cigarette when I was out of the car in Sudbury.

I would like to add, gentlemen, to what Mr. Miller has said, that this is the general complaint of the farmers. I think it is well-founded, and we thank you for the hearing.

THE CHAIRMAN: Thank you, gentlemen.

---The delegation withdrew.

THE CHAIRMAN: We have here with us this afternoon, Mr. J. Palmer Kent, Q.C., of Toronto. He would like to discuss a brief with us at this time.

We have all had copies of this brief in the last few months.

MR. ELLIOTT: How long ago did you have it?

THE CHAIRMAN: For some time.

J. PALMER KENT, Q.C.,

Deputy City Solicitor, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: Mr. Chairman and members of this Committee; the city is very thankful that you have a Select Committee appointed to consider this problem, which has been a serious one in Toronto for some time.

The city therefore instructed us to prepare a brief. We did that, and forwarded it it to your Committee, when we found that you would not be sitting for some time. Since that time, the problems of smoke abatement have been rightly considered to be not only a city problem, but one for the whole area.

Therefore, at the last session of the Legislature, you provided in an amendment to the Municipality and Metropolitan Toronto Act, that they could pass by-laws to deal with the subject of smoke abatement.

The Metropolitan Corporation has decided to do that. They are now in the process of taking over this whole problem as a metropolitan matter. Until their by-law is passed, the city's by-law is effective in the city. They are working on the matter now.

Mr. Allan is here. He is the engineer for the municipality of Toronto. We have also Mr. Clark and Mr. Budbird, who was, for many years, Chief Smoke Abatement Officer in Toronto, and he might be able to answer the questions to a greater extent than I.

I would only like to explain some of the items in this brief, if I may, because they deal with questions of legislation, and with some of the things that we are seeking, and I might be able to explain them to you.

In 1948, the city asked for and obtained legislation enabling it to pass more elaborate by-laws than it had in the past, dealing with smoke abatement. That section from the city's Act was then included in the Municipal Act in the following year, so that all municipalities have the same right now to pass smoke abatement by-laws.

The only thing we say about that particular legislation is that it provided for a number of exemptions.

That is to say, it carried on some exemptions which were in vogue at the time. It protected all those people who were protected at that time, if I may put it that way. In particular, it set out that the paragraph should not apply to any furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, or the manufacture of cement, brick or tile.

There are a number of firms in Toronto which manufacture cement, brick and tile -- about which I will speak in a moment -- which, until 1948 were completely exempt from these smoke regulations. In addition, there was the smelting of ores and minerals.

You would not think that would apply in Toronto. We have not an International Nickel Company as such, but we have a number of firms in Toronto which do that kind of business, but carry on the work in a different form.

There is the Canada Metal Company, which melts down batter plates from motor cars, and gets metal in that way, and re-sells it, etc.

There are also firms engaged in the galvanizing business, and in various types of work of that kind, and they are still exempt, under our legislation which we have at present.

BY MR. MACAULAY, Q.C.:

Q. Except this, Mr. Kent, that they can be

brought in through a very laborious process. Is not that right?

A. That is quite right.

Q. I was speaking on numerous occasions with Professor Allcut concerning these gases. This Committee, when it came into being, engaged in a dispute as to whether there were exemptions or not, and Professor Allcut pointed out that "exemption" really meant an absolute exemption, in view of the tremendous difficulty in bringing the exempted persons within the purview of this by-law.

Would you agree with that?

A. That has been the effect of trying to bring some of these under the by-law.

Q. Would you agree that these exemptions should be removed?

A. Yes, I would. That is one of the things we are asking. We say that all industry should be in the same position. Why, in one place, should there be an industry manufacturing automobiles, which we go after, while right next door is a company melting battery plates, which is exempt?

Q. How old were the exemptions? What is the history of them?

A. That goes back prior to 1906.

MR. BELYEA: I can tell you that it originated with the Public Health Act in England in 1875, and the only thing exempt was the smelting of basic ores. That was added to slightly, but they never reached the point of exempting such things as brick, or cement or tile plants.

MR. MACAULAY, Q.C.: When did we add brick, cement and tile?

MR. BELYEA: Sometime around 1916.

MR. MACAULAY, Q.C.: This seems to be wrapped around with antiquity, and has no bearing on conditions now.

MR. BELYEA: In no place have they found it necessary to legislate against exemptions.

MR. MACAULAY, Q.C.: Not in Ontario?

MR. BELYEA: No.

MR. MACAULAY, Q.C.: In the other provinces?

MR. BELYEA: No.

THE WITNESS: As far as I know, the exemptions do not exist in the other provinces.

BY MR. MACAULAY, Q.C.:

Q. I have your support in my belief that they should be removed?

A. No doubt. We think they should all be removed, with the exception of private dwelling houses.

We should be able to go after apartment houses.

Q. You would not object to the jurisdiction over private dwelling houses, if we gave it to you?

A. No, I would not object to that at all, because we think we can only prosecute them before a magistrate with the right of appeal, so they are protected in that way.

MR. MACAULAY, Q.C.: That explains that matter.

THE WITNESS: I have set it out in the brief to some extent, and have shown that we have not been able to bring in any industries which were exempt, although we have made some effort to do so.

BY MR. MACAULAY, Q.C.:

Q. The greatest contributors are the ones who have been exempted?

A. They are the ones which cause the big trouble today, in Toronto.

Q. Is it not your experience that these persons in your city who have made expenditures in relation to collection equipment, it has proven not to be a totally non-recoverable expense?

A. That is true. It has been proven to be of great benefit to those firms who have used it.

Q. So, one of the big things seems to be to give them an incentive to do it, either by pointing the way, or requiring them to do it.

A. Yes. It is very difficult to do it by co-operation, that is, by going to them and telling them, "You are not subject to the by-law, but we want you to co-operate."

Q. Do you think they would be more inclined to co-operate if you had the power, but did exercise it, but merely asked for their co-operation.

A. That is right. That is what I think we need. We need some power, and then exercise that power, by seeking their co-operation.

I would like to go over the recommendations at the conclusion of the brief. There are only a few and they are not extensive, and I do not think they are very difficult.

Q. I am very sorry to interrupt you again, but there is another matter which occurs to me. This Committee was in Ottawa, -- I did not have an opportunity of going with them, -- but there was a statement by hon. Mr. Marler, that he felt the province had jurisdiction over the railways to deal with them as an adjunct to health.

I think it is right to say that the city of

Toronto has never felt that it had power over the railways, nor did it from a legal point of view, so there was no point in even asking the province to take this up.

A. That is true. We have prosecuted railways and it has been definitely determined in the courts that the matter of the emission of smoke is something which relates directly to the operation of railways, and is, therefore, a Federal matter, and is auxiliary to the interpretation of the British North America Act.

Q. To deal with inter-provincial matters?

A. That is right.

Q. I take Mr. Marler's statement was an avoidance of the obligation, and an attempt to run out from this Committee, and I still take that position.

A. We have in Toronto an Order of the Transport Commissioners, which is the Board that has jurisdiction over railways, and in recent years, it has been under that Order that we have been able to prosecute or get co-operation from the railways. We are now seeking a more extensive Order,-- and that will be an application made by the Municipality of Metropolitan Toronto now, and they are asking for an Order which the Board of Transport Commissioners will deal with.

Q. Will you tell me, generally, what you are

asking for in the Metropolitan area?

A. Yes, I think I have it here.

Q. Have you any realistic hope of obtaining it?

A. Yes, I think we shall get a better Order of the Board of Transport Commissioners--

THE CHAIRMAN: Before we enter into a discussion of the Metropolitan set-up, could we finish with the City of Toronto? Then, Mr. Kent, you want to talk about the Metropolitan situation on behalf of Mr. Moore?

THE WITNESS: The recommendations in this brief, at the conclusion of it, are, first, the question of eliminating exemptions, of which I have spoken.

The second one; I will read it first, and then may be explain it.

It recommends an amendment to a section in the Municipal Act, Section 399, so we can deal not only with dust, smoke, fly-ash, etc., which come directly from furnaces which are consuming material of some kind, and also will enable us to deal with those firms which are smelting, melting or reducing or galvanizing metals.

We found that some firms getting away from the by-law by saying that these fumes "do not come from our furnace, the furnace is used to heat something else, a pot or caldron used to reduce the metal, and the fumes are coming from that and not from the furnaces, and,

therefore, the by-law does not apply to us."

We are asking, therefore, for this amendment, in order to make it clear that our regulations can apply to fumes which come from something else, besides directly from the furnace.

Thirdly, we would like the power to regulate the kinds of fuel which may be used in defined areas of the municipality, and to prohibit all fuels except those with a low volatile content as specified in the by-law.

The object of that is that we have no such power now, but it has proved most effective in clearing Pittsburgh. As you know, Pittsburgh provides for certain kinds of fuel in certain areas, and that it must be fed from underneath rather than directly in on top of the fire. They can do things like that down~~there~~, which I think, if we had power, it would be of great help to us.

BY MR. ELLIOTT:

Q. By means of certain mechanical firemen and stokers, can they not use low-grade fuel and still have just as efficient results?

A. Under certain conditions, yes.

Q. You want that by-law to say if they use certain equipment, they could still use low-grade fuel, if it does not produce a smoke nuisance?

A. Yes, that is what it meant. If they have not the equipment to consume the smoke, they can only use certain fuels.

Q. In other words, they may use low-grade fuel only under certain conditions? You would be surprised what the inventors and manufacturers can do in developing machines and it would be a mistake to put a damper on which would halt development, of any kind.

A. If you can prevent bituminous coal from being used in all hand-fired cases, it would be a big step forward. Then they could use the soft coal only with domestic stokers, which are fed from underneath, and the smoke is pretty well consumed.

The next one has to do with the question of penalties under the by-law. At the present time, in our own by-law, under our legislation, the maximum penalty is \$50.00. The Municipal Act was amended last year, so now in our Municipal By-law they can provide a penalty of up to \$300.00, under by-laws, which includes this one.

We think, in order to make this by-law effective, dealing with any installation of smoke-consuming equipment and so forth, there should be a higher penalty, something in the neighborhood of \$300.00 or you may consider \$500.00 would be a better maximum

penalty.

BY MR. MACAULAY, Q.C.:

Q. Mr. Kent, what would you think about a penalty which has been suggested, of some kind of withdrawal of permit to continue operation by the company, until it had improved its equipment to abate this nuisance, but with the right in the city to give a waiver, for a period of time, to install it, with the right to renew the application if, in the meantime, it can be shown that they were doing all they could do, but still had more to do. Do you follow me?

A. Yes. It is difficult to administer that kind of legislation without some safeguards, of course. With safeguards, we need some power like that. If it could be done by injunction proceedings, rather than by just an order of an official or by an appeal by the company from an order of an official to a County Court judge, some such safeguard as that, I think that would be legislation which would be well worth while.

MR. MACAULAY, Q.C.: They have an appeal to the courts, but it is such a technical matter that there is not really an understanding of the problem. However, I see your point.

THE CHAIRMAN: One of the things which impressed the Committee in Detroit -- and Detroit is comparable

in size to Metropolitan Toronto -- was this: the engineer in charge of the air pollution problem there, a very, very capable individual, assured the Committee that, in all their experiences, where they heard that a certain industry would move out of the area if the penalties were imposed or if the problem of air pollution became too severe, and it was said they would not abide by the law in Detroit, but would move elsewhere, he still could not point to one instance where, when they got down to dealing with the problem in a practical manner these people knew they had to take some steps to eliminate the nuisance of air pollution, or smoke control, they did not move out of the district; they stayed and endeavoured to do the job.

However, that was only where you could say to them "the time had arrived for some action."

BY MR. ELLIOTT:

Q. If we gave them a number of months to get their plants into condition and operation? I think that is what Mr. Macaulay mentioned in the first place; to give them time to get their plants into operation.

You told us you would expect to give them so many months to get the equipment into operation, then you would invoke the penalty? Is that what you mean?

A. Yes, that is the idea, seeking power to

enforce it later.

Q. You give them time to bring the plant up to a certain state of efficiency, and if they do not do so, then you invoke the penalty?

A. Yes, I do not know of any case where they moved because of anything we tried to do to them in Ontario.

BY MR. MACAULAY, Q.C.:

Q. In 1948, or 1949, did you not ask the province to include them?

A. Yes, we asked that they be included.

Q. Did they not send delegations to the Council and say, "We will move out"?

A. There was a suggestion along that line, but we did not hear of anybody actually doing it.

BY THE CHAIRMAN:

Q. You did not get the power?

A. No.

Q. You never got the power?

A. No, we did not get the power.

Q. But they did not move?

A. No. We think that problem is solved pretty well now, because of the fact that Metropolitan Toronto has taken it over, and they are not going to move out of the area.

MR. BELYEA: There is a nuisance clause in the Municipal Act now, into which they can read all kinds of pollution, and it would be covered. The reason the smoke clause was put in was to have a place to put these exemptions.

BY MR. MACAULAY, Q.C.:

Q. So, if they took the smoke clause out altogether, including the exemptions, the other might cover it?

A. Yes.

THE WITNESS: We found it difficult to get it on a straight matter of fumes from some factory amongst people who had built in the surrounding area. The courts generally say that the industry was there first, and, therefore, why did the people move into the nuisance? It is very difficult.

The only other thing I would suggest is that in any legislation you bring down, it is impossible to enforce it if you leave out those industries already established. You must have this enforceable, not only against new industries, but also those which are presently established, with certain safeguards for them.

BY MR. NEWBURY:

Q. Did you not have in your by-law a regulation against open furnaces and fires, burning leaves, trash

and so on?

A. In the streets?

Q. Not only in streets but in yards and so on?

MR. NEILSON: I do not know of any provision of that kind. There is a city by-law, is there not? Is that not by-law No. 19675?

MR. MACAULAY, Q.C.: What about the back yards Mr. Neilson? Are they included in the same law?

MR. NEILSON: Yes. It is Number 19675.

THE CHAIRMAN: Does that answer your question?

MR. NEWBURY: Yes.

THE CHAIRMAN: Is there anything in connection with the Toronto Bill to ask of Mr. Kent, before he deals with the Metropolitan situation?

MR. ELLIOTT: He is presenting this as a Metropolitan Act which will come before the Legislature this Session.

THE WITNESS: I am presenting this to the Committee for its consideration as to the legislation which should be brought in. In view of the fact that this Committee is sitting now, we are not asking for amendments this Session.

THE CHAIRMAN: Thank you. You had a question, Mr. Macaulay about Metropolitan submission?

BY MR. MACAULAY, Q.C.:

Q. I was asking if you could give us some

indication of what you are asking from the Transport Board?

A. Yes, I think I have it here.

Q. You need not give it in exact phraseology, but if we knew the general purport of it.

MR. BELYEA: A copy would be in the transcript.

MR. MACAULAY, Q.C.: It is in the transcript?

MR. ELLIOTT: He read that to us down there.

MR. MACAULAY, Q.C.: It is fairly wide?

MR. ELLIOTT: He read it to us while we were there. It is under consideration by the Board now.

(Page 1651 follows)

THE WITNESS: Our present Order, under which we are acting now, was made in 1908, by the Board of Transport Commissioners. The proposed revision would read as follows:

"(1) Railways operating in such municipalities or areas within the Province of Ontario that have passed or may hereafter pass by-laws for the control, regulation or prohibition of smoke or other air pollutants or by-laws to the like effect be subject to the following provisions. They shall not apply to a municipality or area which does not provide an officer or official to administer the by-law.

(2) The discharge or emission to the atmosphere, of smoke, from any fuel burning equipment, internal combustion engine, vehicle, outside open fire or premises excepting steam or diesel locomotives, which is equal to or greater than No. 3 Ringelmann Smoke Chart, at the point of emission in excess of a period or periods aggregating six (6) minutes in any one hour be prohibited.

(3) Locomotives in service or ready for service shall not emit smoke of a density equal to or greater than No. 3, of the Ringelmann Smoke Chart except for a period of 1 minute in any 10 minute period.

(4) Locomotives in which a firebox is being cleaned or a new fire built shall not emit smoke of a density the shade and appearance of which is equal to or greater than No. 2 Ringelmann Smoke Chart except for a period or periods aggregating 6 minutes in any one hour.

(5) Engine houses in which steam locomotives are repaired, serviced, cleaned and/or housed, having individual stacks, shall conform to Paragraph No. 4 above. Engine houses having a common discharge stack for two or more steam locomotives shall conform to Paragraph No. 4 and Paragraph No. 6.

(6) Where it is found necessary to comply with Paragraph No. 5 above, the engine house shall be equipped or provided with a means of observing each individual stack or a smoke recording system on each stack; moreover overfire steam or air jets shall be coupled to the roundhouse steam line or portable air jets operated manually by the fire builder or low volatile coal or oil, gas or electric igniters or a 'direct steaming' or fuelless system or a collector and gas washing system or any combination of the foregoing methods or suitable alternative method or methods shall be provided to prevent

"noxious products of combustion from being expelled into the atmosphere.

(7) Diesel engines shall receive frequent periodic inspections and be maintained in first-class working condition and shall conform to limitations of smoke emissions as for steam locomotives as set out in Paragraph No. 3. The discharge of fumes, odours and gases from diesel locomotives to an extent which is detrimental to the property of any other person or which is a nuisance to any person not being therein or thereupon engaged, be prohibited.

(8) Failure of employees to comply with provision of this Order shall be deemed a violation of this Order, and shall be subject to the penalties as hereinafter provided.

(9) Any or all appointed officials of a smoke abatement or like department of a municipality shall upon proper authorization be permitted entry to any railroad property at reasonable hours or times for the purpose of making observations or investigations in company with responsible railway officials, necessary to enforce the provisions of this Order."

MR. MACAULAY, Q.C.: That is very specific.

BY MR. MACAULAY, Q.C.:

Q. Perhaps some of the gentlemen who know about it can answer this: What is the general Ringelmann Chart number that a steam engine can put up?

A. I think it is No. 3.

Q. You asked for No. 3. What are they putting out now?

MR. NEILSON: Numbers 3, 4 and 5 are the common ones considered as dense smoke.

THE CHAIRMAN: Is No. 3 dense smoke?

MR. NEILSON: Numbers 3, 4 and 5 are dense smoke, opaque, and not able to be seen clearly.

BY MR. MACAULAY, Q.C.:

Q. You say they cannot go darker than No. 3, but what are they putting up now? Is it No. 5?

MR. NEILSON: No. 5 they are putting out now.

BY MR. MACAULAY, Q.C.:

Q. What would the average be? Would it be four?

A. I would say No. 4 would be pretty well the average.

Q. You think that No. 3 is enough?

MR. NEILSON: Yes, inasmuch as it cannot be seen through, we consider it as dense smoke.

BY MR. MACAULAY, Q.C.:

Q. Does it not say "not greater than 3" or is 3

the maximum?

A. Number 3 is the maximum.

Q. Why allow them to put out smoke you cannot see through?

M. NEILSON: The least grades which cannot be seen through, -- on the basis we work from, -- are 3, 4 and 5. Inasmuch as No. 3 cannot be seen through, irrespective of the fact that numbers 4 and 5 exceed it in density, we base our density on No. 3.

BY MR. MACAULAY, Q.C.:

Q. You do not think that Number 2 would be a better standard?

MR. NEILSON: I do not think so because they provide 10 minutes of No. 2 under the City by-law. No. 2 is the lighter grade.

BY MR. MACAULAY, Q.C.:

Q. You do not think that No. 2. is a better grade than No. 3, to ask for?

A. We have asked for No. 2 in connection with locomotives in which a fire box is being cleaned. They can have smoke of No. 2 quality for a period of 6 minutes in an hour. But in connection with locomotives in service, we allow them to have No. 3, for 1 minute in 10.

Q. And then they can have anything?

A. Yes. They can have anything as it prevents the

emission of a dense or opaque smoke.

Q. My last question is in regard to steamships, Mr. Kent. Have you any observations to make in relation to the harbour?

A. We have great difficulty in Toronto. A lot of our smoke trouble comes from the harbour.

Q. Do you have any power over ships which pull up to one of the wharves?

A. If it is a ship which transports beyond the province, it comes under the Board of Transport Commissioners also.

Q. Are you asking for anything in connection with them?

A. No, we are not at the present time.

Q. Do you intend to?

A. I believe they have considered it.

Q. How seriously?

A. Whether it has gone so far as to warrant an application, I do not know, but there has been an application to the Board of Transport Commissioners to cover all ships under federal jurisdiction.

Q. Would you hold out any hope to my constituents, that the City of Toronto will make some application?

A. I would hold out hope that the Metropolitan will.

THE CHAIRMAN: The Board of Transport Commissioners does not handle it. I suggest you send it to the hon. Minister of Transport. The Board of Transport Commissioners has nothing to do with steam ships. They told us that when we talked to them a few days ago. So you should direct it to the hon. Minister.

THE WITNESS: Very well. We have other ships in the Bay and there are certain recommendations the Harbour Commissioners can make.

BY MR. MACAULAY, Q.C.:

Q. Presumably you would ask for the same Ringelmann number?

A. Yes.

Q. You do not attempt to control them? Are there many intro-provincial ships?

A. Yes, quite a number.

Q. Do you control them?

A. Yes, by seeking co-operation. We have no actual control over them.

Q. I would think when the Harbour Commissioners rent the space to them --

A. The Harbour Commissioners have certain jurisdiction over the ships in the Bay, and also those which are tied up. They have some provisions in their by-laws about smoke, and I expect they enforce them. I am

not sufficiently familiar with it to speak for them, at the moment.

MR. ELLIOTT: Are you Solicitor for the Harbour Board?

A. No, I am not.

MR. ELLIOTT: It might be easier for the Harbour Commissioners to get that through, than the city.

THE CHAIRMAN: I think that is one of the things the Committee will consider, and we will recommend the Harbour Board shall have the power to do that.

MR. ELLIOTT: I think we should bring them before the Committee, and discuss this.

THE CHAIRMAN: Are there any further questions? (No response). If not, we thank you very much, Mr. Kent.

BY MR. ELLIOTT:

Q. Would you think it advisable to bring the Harbour Commissioners before the Committee, and ask them to draft a by-law, rather than ask the City?

A. I think it would be a good step.

Q. That would cover Harbour Commissioners in all cities and municipalities?

A. Yes, there should be --

Q. In other words, it would cover Hamilton, and so on?

A. The Harbour Commissioners get the power under which they operate from the Federal Government.

MR. ELLIOTT: Under those circumstances, could we not have the Secretary make a note of that, and ask them to come before us, and then we can present the case to them, and ask them what they can do.

BY MR. NEWBURY: Are you aware that the I.J.C. has set up the objectives regarding smoke?

A. No.

Q. I suggest you talk to them. They have drawn up a Code of Ringelmann numbers for different classes of shipping.

A. Thank you very much.

BY MR. BRANDON, Q.C.:

Q. Mr. Kent, has there been a general refusal on the part of ships of foreign registration, as well as local registrations to co-operate with the smoke abatement officer?

A. I do not think there has been any objection at all. Perhaps Mr. Neilson can answer that.

MR. NEILSON: In regard to foreign shipping, we have been very fortunate, inasmuch as most of it is diesel operation, and they are really the cleanest of the lot.

Most of the trouble is experienced with lake

shipping companies, which are retaining their old methods of hand-firing.

So far as foreign shipping is concerned, our experience has been most satisfactory. They may alter when the St. Lawrence seaway is completed, I do not know; but, at the present time, our experience with foreign shipping has been very good. Much of the difficulty is with the lake shipping companies.

BY MR. BRANDON, Q.C.:

Q. Has there been any occasion when your office has communicated with the domestic shippers requesting them to diminish the smoke nuisance, and they have failed to do so?

A. Yes, we requested it from the head offices in the United States. We have had very good co-operation.

In 1954, I think 85 percent. of the ships which came in, were putting out dense smoke anywhere from 35 minutes to an hour.

There are others which have said there is no legislation which affects them.

I had a telephone message from one ship manager here in Toronto, who wanted to know how much I knew about shipping, claiming that the ships created a filthy mess on the Harbour front. As far as legislation for Toronto

is concerned, the Harbour shipping, is very necessary to be covered.

What was said regarding the Detroit river; with ships going up and down, is correct, but the I.J.C. says it is in a diminishing form for the years 1952-1954, and we sent a note to the shipping companies, stating the nature of the I.J.C. objectives in the Detroit River, asking why the same objectives could not be imposed in the port of Toronto.

THE CHAIRMAN: Thank you, Mr. Kent.

---The witness retired.

---The following brief was presented by the City of Toronto, and is, in words and figures, as follows, to wit:

(Page 1662 follows)

At the meeting of City Council held on September 26, 1955, the City Solicitor and the Commissioner of Property were authorized to make representations to the Select Committee of the Ontario Legislature, asking that the legislation under which the City passed its smoke abatement By-law No. 17675 be improved and strengthened. The said officials were further instructed to bring to the attention of the Select Committee some of the difficulties encountered in attempting to reduce the amount of smoke and to prevent other pollution of the atmosphere.

Prior to 1948, authority was contained in The Municipal Act enabling councils of urban municipalities to pass by-laws dealing with smoke prevention in the following terms, 1937, R.S.O. chapter 266, section 407, paragraph 45:

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other

point than the opening to the atmosphere of the flue, stack or chimney.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

(b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the Ontario Gazette and in a daily newspaper for four successive weeks.

R.S.O. 1927, c.233, s.399, par. 45;

1937, c.47, s.22.

Pursuant to this authority, the City by-law to prevent the emission of dense smoke was Number 7403, passed May 17, 1915, and it proved to be entirely inadequate because of the exemptions, the small fines imposed and the difficulty experienced in obtaining convictions.

In 1948, the City of Toronto applied for legislation to enable it to pass a better by-law

respecting the abatement of smoke and other atmospheric pollution. The legislation is contained in The City of Toronto Act, 1948, chapter 129, section 10, and reads as follows:

'10.(1) The council of the Corporation of the City of Toronto may pass by-laws:

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms, or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for

issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism, or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates.

- (a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph

1, and for defining the words 'smoke', 'dust', 'fly ash', 'soot' and 'fumes'.

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution.

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten

days after every such sale or lease particulars thereof to an officer designated in the by-law.

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals.

(a) Any person may appeal from a decision of the board established under this paragraph to the Ontario Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack,

or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or structure subsequently erected, in any court of competent jurisdiction as a debt due and payable.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board by resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3 or any decision or resolution of the board established pursuant to paragraph 6, which

penalties shall be recoverable under The Summary Convictions Act.

- (2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof of signature.
- (3) Where any by-law, decision, order or resolution referred to herein is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the Corporation.
- (4) Subject to subsections 5 to 9, no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement,,brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.
- (5) The council may serve by prepaid registered mail upon any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject

to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

(6) Unless within thirty days of the mailing of such notice the person affected by the notice files with the city clerk a statement of objections, such person shall be subject to any by-law passed under this section to the extent set out in the notice.

(7) Upon service of a statement of objections upon the city clerk within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1, hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision.

(8) Within thirty days of the service of a decision under subsection 7, the person affected may serve notice of appeal to the Ontario Municipal Board on the city clerk and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order.

(9) The hearing of the appeal shall be a hearing de novo, and the order of the Board shall be final

and binding upon the person affected and the Corporation.'

Subsections (1), (2) and (3) above were passed in substantially the same form in which application was made by the City, but subsections (4), (5), (6), (7), (8) and (9) were added as a result of objections arising in the Private Bills Committee of the Legislature. The legislation for which application was made was considered to be adequate at the time, and By-law No. 17675 was passed on June 28, 1949, pursuant to that legislation. It came into force on December 31st, 1949.

This legislation in The City of Toronto Act is now contained in The Municipal Act, 1950 R.S.O., chapter 243, section 399. The authority was given to the councils of cities having a population of not less than 100,000 in 1949; to the councils of towns in 1951; and in 1952 the authority was extended so that now by-laws may be passed pursuant to it by the councils of cities, towns, villages and townships.

In Toronto, there has been appointed pursuant to the legislation an Air Pollution Advisory Board, and competent personnel are engaged in the enforcement of the by-law. Having had about five years'

experience in Toronto in the enforcement of this by-law, we desire to bring to your attention some of the difficulties we still experience:

1. We object to any exemptions except possibly single-family dwelling houses. It is hardly necessary to make such dwelling houses subject to the provisions of this by-law at the present time. As to all other exceptions, such as persons engaged in the manufacture of cement, bricks or tiles and industries which maintain a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, we believe it is most discriminatory to allow such industries to offend as they wish while at the same time the by-law is enforced strictly against industries which are not entitled to exemption. It makes it more difficult to enforce the by-law or to obtain the co-operation of persons with the provisions of the by-law. It is respectfully submitted that all industries should be made strictly subject to the provisions of the by-law, and the fact that some of these industries have been exempt in the past is not a sound ground for continuing that exemption. The City of Pittsburgh was built up principally because of the coal industry there. In order that it might

become one of the cleanest cities in the United States so far as air pollution was concerned, it had to rigidly enforce its smoke and fumes legislation against long established industries and thus obtain co-operation from the principal industries within and adjoining its boundaries.

You may ask why the City does not take steps to make industries exempt by the by-law subject to it under the procedure contained in the legislation. This is a long and difficult procedure involving hearings, arguments, negotiations and compromises. On May 17, 1955, the Air Pollution Advisory Board recommended to Council that the following three firms be made subject to the by-law:

National Iron Division of Canada Iron
Foundries Limited, 171 Eastern Avenue, Toronto.

Z. Wagman & Son Limited, 190 Edwin Avenue,
Toronto.

Toronto Cadmium Plating and Tinning Company
Limited, 190 Edwin Avenue, Toronto.

The Council adopted this recommendation on June 6, last, and the procedure is continuing. The National Iron Division of Canada Iron Foundries Limited were served with notice and filed objections. The hearing of these objections by the Air Pollution Advisory Board has been adjourned from time to time

at the request of the Company. One of the objections is that if the Company has to instal equipment to conform with the provisions of the by-law, it will be necessary for it to close its operations for a period of 6 to 8 weeks. The Company at the present time is manufacturing cast iron pipe for water supplies for Metropolitan Toronto, the City of Toronto and the Township of York, and any shut-down of the business would greatly affect the continuing shortage of water in the municipalities surrounding the City. It is also claimed that the City of Toronto is discriminating in singling out this Company from numerous companies operating similar businesses in Toronto.

In regard to Z. Wagman & Son Limited and Toronto Cadmium Plating and Tinning Company Limited, 190 Edwin Avenue, it can be established that fumes have been emitted from the premises for periods beyond those provided for in the by-law, but it is difficult to establish that these firms are engaged in the business of refining or smelting of ores or minerals. They deal more with products that were originally ores or minerals, but have been used for some other purpose since the product was originally refined. They also galvanize materials.

Their furnaces are oil burners, using Bunker C fuel oil. These burners supply heat to a large brass melting furnace, brass melting pots, and an aluminum melting furnace. The legislation in subsection (2) above permits a municipality to prohibit smoke, dust, fly ash, soot, fumes or other solid or gaseous products from the apparatus referred to in paragraph 1. Paragraph 1 refers to certain apparatus used or in connection with the process of burning fuel or other combustible material. These latter firms, therefore, may not come under the by-law and may not come under the exceptions, because the fumes arise from the galvanizing process or from the melting furnaces rather than from the oil burners.

In a case in 1949, The Canada Metal Company was prosecuted. This business included melting down old car battery plates and reducing the salts of lead formed from the plates in the batteries. The Company was convicted by a magistrate but on appeal, His Honour Judge McDonagh sitting in the County Court, after hearing certain expert evidence decided that this was a reduction, refining or smelting of ores or minerals and that the Company was exempt from the by-law. Of course, the fumes arising from

such an operation as this within the City were particularly obnoxious and caused many complaints.

2. Another difficulty is due to lack of control over industries in areas immediately adjoining the City of Toronto. For example, the Don Valley Brick Works is in the Township of East York and immediately adjoins the residential section of the City known as Rosedale. This problem, however, may be solved because the Metropolitan Council was given legislation in 1955 to pass by-laws dealing with smoke abatement, and it is expected that from January 1st, 1956, the enforcement of by-laws or regulations dealing with this subject will be under the jurisdiction of the Metropolitan Council.

See Amendment to The Municipality of Metropolitan Toronto Act, 1955, chapter 50, section 24. At its meeting on June 28th, that Council decided to constitute a Metropolitan Air Pollution Control Division. When its by-law is passed, the City of Toronto by-law will become ineffective.

It is difficult to control the emission of smoke from vessels in the Toronto Harbour. Prosecutions against the owners of such vessels do not succeed before the magistrates because it is contended that they are beyond the jurisdiction of the

legislation, but the owners are requested to co-operate by changing the method of firing or by the installation of improved equipment.

3. Another difficulty is to compel the installation of new equipment in industries that have been long established. This is expensive and can only be done by co-operation.

In Pittsburgh authority was obtained to prohibit bituminous coal from being used in hand fired boilers. This allowed soft coal to be used only in automatic stokers in which the fire is fed by coal from underneath causing most of the smoke to be consumed in the body of the fire. It would help if the local inspectors had similar authority here.

4. In the City by-law, periods of six minutes in any one hour for the emission of smoke are permitted. So long as such a length of time is allowed, there will be a great deal of smoke emitted to the atmosphere because of the difficulty of enforcement. An inspector must observe for many hours and make exact note of his observations before he can obtain the necessary evidence to convict. Because of this there are repeated breaches

of the by-law. The industries 'take a chance' because they know how difficult it is to present all the necessary evidence to obtain a conviction.

It is therefore respectfully submitted:

1. That section 399 of The Municipal Act, R.S.O. 1950, chapter 243, be amended by striking out subsections 4 to 9 inclusive, so as to eliminate all exemptions granted under the by-law, with the exception of dwelling houses, except all apartment houses and dwelling houses where the furnace heats more than one dwelling unit;
2. That paragraph 1 of section 399 be amended by adding after the word 'material' in the seventh line the words 'or used in or in connection with the smelting, melting, reduction or galvanizing of any kind of metal, or any other apparatus, devices, mechanisms or structures which might cause the emission to the atmosphere of smoke, dust, fly ash, soot or fumes';
3. The municipal officer by order or the council by by-law should be given authority to regulate the kinds of fuel that may be used in defined areas of the municipality and to prohibit all fuels except those with a low volatile content as specified in the order or by-law.

4. It should be made clear in the legislation that the by-law applies to industries located and carrying on business at the time a by-law is passed. A by-law is not effective if it applies only to those businesses erected, altered or constructed after the by-law is passed;
5. It should be possible for the municipality to require industries and others already established to instal smoke consuming equipment or other modern apparatus to prevent or reduce the emission to the atmosphere of smoke and fumes. Where a municipal officer orders such installation which may cost the company more than \$500.00, it may be advisable for that company or firm to have the right to appeal from the decision of the official to the Ontario Municipal Board.
6. In order to eliminate other exemptions, the legislation should be drawn so that the by-law may apply to every person, firm or corporation, including the Crown in Right of the Province, over which the Provincial Legislature has jurisdiction. It has been found that railways and steamships are exempt. To overcome this the City of Toronto is applying to the Board of Transport Commissioners

for Canada for a new order by that Board respecting railways. The Province should assist the municipalities by joining in this application and by urging that no steam engines should be allowed to operate within or within ten miles of the cities. Either diesel or electrical engines should be used. If the Provincial legislation is not applicable to ships, the Province should ask the Dominion Government to give authority to Harbour Commissions or similar Authorities to enact by-laws regulating and controlling the emission to the atmosphere of smoke by ships while in harbours or within one mile of the shore.

Presented October 26th, 1955.

All of which is respectfully submitted.

(signed) 'W. G. Angus',
City Solicitor.

(signed) 'J. H. Woods',
Commissioner of
Property.

THE CHAIRMAN: We have now coming before us Mr. Leslie B. Allan, Commissioner of Roads for Metropolitan Municipalities, under whose department this new smoke abatement committee will operate.

LESLIE B. ALLAN,

Commissioner of Works and Roads, Metropolitan Toronto, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: As you know, we took over from the City of Toronto about three weeks ago. We also took over their staff. We were hoping you would obtain such information on your journeys that you would be able to recommend legislation, giving us the power to pass by-laws even more strict than the City of Toronto requested, because we feel there is a great deal of dissatisfaction now regarding the way the air is being polluted, and we intend to go into it thoroughly. We will be doing something similar to what you have been doing and we would like something from you to help us in preparing our by-laws.

We hope to get equipment to test the air, and we hope your legislation will be strict enough to permit us to pass by-laws, even more severe than asked for by the City of Toronto, and then we will be happy.

BY THE CHAIRMAN:

Q. One of the greatest assets you have in connection with Metropolitan Toronto taking over smoke and air pollution control is money. Whereas the City is working on a budget of \$20,000, I understand your budget

is in the neighbourhood of \$200,000., so you are in a position to do a really good job.

A. We will have engineers in charge of it, and any legislation you bring along, can be amended later on, if we ask for it, probably.

THE CHAIRMAN: Are there any questions?

(No response).

Very well, we thank you, Mr. Allan, for appearing before us.

---The witness retired.

THE CHAIRMAN: Mr. Neilson, have you anything to add? I know you have been kind enough to be with the Committee several times before, and you will be with us again, I trust.

MR. NEILSON: I do not think there is much I can add to what has been said already.

I had the pleasure of meeting Mr. Cowling and several of the Committee on two occasions last year, one in the western and one in the eastern parts of the city.

It was demonstrated during those tours the necessity for legislation with regard to the cupolas of the iron smelting foundries in the city.

I think the removal of all exemptions is a prime necessity.

We have had some co-operation in the past from

some of the non-ferrous metal companies in connection with certain fumes. With regard to the iron smelting foundries, where the initial expenditure has come back in the way of monetary returns, these people have been very willing to go ahead with any proposition.

It should be noted that when introducing these by-laws, they have certainly "sat up and taken notice," inasmuch as they have gone ahead and spent some money for the installation of such equipment.

Three of these companies were brought before the Advisory Board towards the end of the last year. One of them was of a non-ferrous nature, another was a company of a chemical nature, and the third was an iron foundry. These companies are now in the process of spending money to install the necessary machinery.

In one case, the capacity is being doubled, and, they are willing to go ahead and try to alleviate conditions by spending some money. Another company is extending their stacks, and in May of this year, will introduce a hot-blast system which will take away some of the fumes which are creating a great deal of trouble in the eastern part of the city.

So I think it has been amply demonstrated that when these people see there will be some force used, if they do not mend their ways, they will, no

doubt, make the necessary adjustment, and I think the annulling of the exemption clause should do a great deal toward improving that condition.

I think by annulling the exemption clause, it will bring them all into the same category, it will make them feel happier about the new conditions.

Thank you, Mr. Neilson.

---The witness retired.

THE CHAIRMAN: Gentlemen, we have now with us Mr. R. V. Whelan. Here he is pretty well-known to many of you as a valued member of the Department of Lands and Forests but he is here today on matters coming before this Committee.

R. V. W H E L A N,

Citizen, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: Thank you, Mr. Chairman and gentlemen: I am here today as an ordinary citizen, speaking for about sixty of my neighbours. I present this petition we drew up. It is not written with many legal terms but we did the best we could.

The petition is as follows:

"Sirs:

We the undersigned petitioners residing on Burncrest Drive and McGillivray Avenue between Kelso and Clyde Avenues, Township of North York, wish to make known our objections to the lack of adequate smoke and air pollution control facilities in the heating and incineration equipment employed in apartment houses at the following locations -

199 Wilson Avenue,
205 Wilson Avenue,
211 Wilson Avenue,
215 Wilson Avenue.

Our objections are based on the undue emission of smoke and settleable material which contribute to the discomfort and distress of residents in the area.

We would respectfully submit that such existing conditions be eliminated by the installation of adequate smoke control facilities and that further construction of apartment buildings or other buildings or installations in the above named area be subject to suitable ordinances for the control of paper ash, soot and the objectionable odours

associated with the use of incinerators.

L. A. Vaughan,	8 Burncrest Dr.,
N. A. McPhail	6 Burncrest Dr.,
Hartley Lepofsky,	31 Burncrest Dr.,
Jos. Asner,	20 Burncrest Dr.,
Wm. Clavir,	23 Burncrest Dr.,
Jerry Forte,	36 Burncrest Dr.,
Sidney Merson,	39 Burncrest Dr.,
T. J. Wright,	35 Burncrest Dr.,
Edward Brill,	33 Burncrest Dr.,
Nat. Ginsberg,	21 Burncrest Dr.,
A. Barnartt,	19 Burncrest Dr.,
E. Bursey,	17 Burncrest Dr.,
J. W. Pierce,	16 Burncrest Dr.,
S. M. Kerr,	27 Burncrest Dr.,
Jean Fink,	25 Burncrest Dr.,
Richard J. Ellis,	24 Burncrest Dr.,
N. L. McNicol,	28 Burncrest Dr.,
Mrs. L. Bennett,	41 Burncrest Dr.,
W. E. Surtees,	14 Burncrest Dr.,
Mrs. S. Appelton,	10 Burncrest Dr.,
D. B. Simpson,	7 Burncrest Dr.,
W. H. Burgess,	11 Burncrest Dr.,
C. Maltezas,	9 Burncrest Dr.,
F. G. Foster,	15 Burncrest Dr.,

Joe Amodeo,	4 Burncrest Dr.,
S. R. MacNeill,	12 Burncrest Dr.,
C. Drillick,	30 Burncrest Dr.,
F. Morrison,	42 Burncrest Dr.,
Mrs. J. E. Milne,	38 Burncrest Dr.,
Mrs. I. Mather,	18 Burncrest Dr.,
R. V. "Pat" Whelan,	26 Burncrest Dr.,
Mr. and Mrs. Geo. Oulton,	23 McGillivray Ave.,
Mr. and Mrs. H. P. Gain,	21 McGillivray Ave.,
Mr. and Mrs. A. Cross,	22 McGillivray Ave.,
Mr. and Mrs. E. Knuble,	18 McGillivray Ave.,
Mr. and Mrs. G. Watson,	26 McGillivray Ave.,
Mr. and Mrs. P. Lenak,	27 McGillivray Ave.,
Ernest Fenn,	25 McGillivray Ave.,
Mr. and Mrs. A. E. Spence,	29 McGillivray Ave.,
Mr. and Mrs. S. Lidsky	28 McGillivray Ave.,
Mr. and Mrs. R. Bruce,	33 McGillivray Ave.,
Mr. and Mrs. R. H. Douglas,	34 McGillivray Ave.,
Mr. and Mrs. F. C. Capreol,	36 McGillivray Ave.,
Mr. and Mrs. Lonsdale,	24 McGillivray Ave.,
Mr. and Mrs. W. H. Spence,	32 McGillivray Ave.,
Mr. and Mrs. Taylor,	45 McGillivray Ave.,
Mr. and Mrs. Wrye,	3 McGillivray Ave.,
Mr. and Mrs. R. Bronsten,	8 McGillivray Ave.,
Mr. and Mrs. Don. Reid,	10 McGillivray Ave.,

Mr. and Mrs. R. Dowsett,	12 McGillivray Ave.,
Mr. and Mrs. G. Hall,	15 McGillivray Ave.,
Mr. and Mrs. G. Crossman,	38 McGillivray Ave.,
Mrs. C. W. DeMille,	37 McGillivray Ave.,
Mr. and Mrs. D. G. Milne,	16 McGillivray Ave.,
Mrs. A. W. Cook,	5 McGillivray Ave.,
Mr. and Mrs. P. Liukkonen,	31 McGillivray Ave."

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Perhaps to tie up some of the troubles we have had, if you will bear with me I have prepared a separate brief, and with your permission I will stay with the paper so we will not go off on a tangent on a subject as great as this one.

BY MR. BELYEA:

Q. How many apartments are there?

A. There are four immediately behind the property.

Q. How many in each apartment?

A. The number varies. In the apartment behind mine, I think it is twenty-five.

Q. That is, twenty-five in one apartment building?

A. Yes, with the exception of one, each property would have the same. Number 199 is the larger one. It is located at Burncrest Drive and McGillivray Avenue, below Wilson and between Avenue Road and Bathurst Street.

BY MR. ELLIOTT:

Q. In York County?

A. That is right.

BY MR. BELYEA:

Q. I understand there are several hundred apartments going up there with incinerators?

A. There are eight or ten further over on Avenue Road. I can not say we have any complaint. Our immediate complaint is in regard to the four running parallel to our homes.

BY MR. BRANDON, Q.C.:

Q. Are you south or north?

A. I am south. The apartments are adjacent to my back fence. I was rather surprised to find that the people on McGillivray Avenue were interested, because they are located two blocks away.

MR. ELLIOTT: That would come within the Metropolitan Committee. The other gentlemen here should be interested in this.

THE CHAIRMAN: That is right.

THE WITNESS: "My purpose in presenting this separate brief is to provide you with a more detailed description of our problem than is contained in the signed document I have just left with you on behalf of the property owners on Burncrest Drive and McGillivray Avenue.

"First of all, however, I would like to take this opportunity of expressing my appreciation for the find co-operation and encouragement I have received from your secretary, Doctor Evis.

After many months of fruitless effort with letters, telephone calls and a signed petition to the Township of North York, in an effort to have our ash, soot and smell situation corrected, I can assure you that there are many angry and frustrated people on my street, and by contrast with the reaction of North York Township to our pleas, I have found your secretary's correspondence most refreshing."

MR. MURDOCH: Is your petition something against lawyers? Is that why you are here?

THE WITNESS: No, I am not a lawyer. I would not say that.

THE CHAIRMAN: You are just an Irishman, "Pat"?

THE WITNESS: "In the past I have had occasion to make a very careful study of the reports of two other committees similar to yours namely, the Forestry Report, better known perhaps as the "Kennedy Report," and the Report of the Select Committee on Conservation,

"consequently I am well aware of the vast amount of work which you will find necessary before you can complete your report.

No doubt the people who are responsible for the conditions of which we complain feel that they have made a contribution to progress. Progress, however, is only relative and where such so-called progress creates an annoyance and unhealthy conditions for a number of people it becomes very definitely a backward step.

These apartment buildings were completed about one year ago and last May as I watched great quantities of paper ash settling on the horizontal surfaces of my freshly painted house I realized that progress is only relative. I became even more convinced of the fact as the summer advanced and my wife and I were forced to remove our unfinished meal from our garden and take it indoors on account of paper ash dropping into our food. I thought about this so-called progress also when I discovered that many of the women in the neighbourhood were drying their washing in the basement and that people were arising in the middle of the night to close their windows against the vile smell of burning garbage. And as recently as a week ago last Saturday at 2:30 in the

"afternoon I deemed it wise to discontinue cleaning my windows lest I breathe in an atmosphere which was saturated with fine particles of paper ash.

This, gentlemen, is a real problem for the people living in the area around these apartment buildings and not just a figment of the imagination of a group of unreasonable people.

There was a time when I felt that people who organized to protest against the building of apartments were unreasonable but I can assure you that I have changed my thinking in that respect.

I feel, too, that in permitting these apartment houses to create the nuisance and unhealthy conditions of which we complain that the Township of North York has been remiss in it's duty toward the people established in their neighbourhood. People who in the aggregate have invested at least three-quarters of a million dollars of life savings in purchasing their homes and many more dollars out of current income in developing their property inside and out in order to secure the maximum of comfort and relaxation. People who have indicated by painting their homes regularly - by constructing lawns and planting flowers, shrubs and trees that they intend to make the occupancy of their property a long term one.

"Personally, I am becoming a little old to start over again to convert the subsoil building contractors leave behind into a substance that will produce good turf and flowers. And I am becoming too old to plant trees and wait for them to attain a size which will give me shade and privacy in which to relax, and a considerable number of the people living in our neighbourhood are in my age class.

There are few people on the street as well aware as I am of the extent of the ash concentration which falls on our street.

It so happens that as a conservationist and amateur horticulturist I am very interested in soil and for that reason I compost all organic waste from my garden and kitchen. Because I carry out the process to a great extent throughout the winter months as well as during the summer and use rainwater for the purpose I accumulate considerable quantities of the latter before winter sets in. Rainwater from the roof is collected in a large, white enamelled pan and the amount of sludge that settles in the bottom of the pan as it fills up is not only astonishing but, also, to some extent frightening. I might add that the sludge is found regardless of the duration of the rainfall so apparently the falling of

"soot and ash is fairly constant. I might also point out that a small concentration of sludge existed before the apartment houses on Wilson Avenue were constructed but has increased manifold since then.

Many of my neighbours while signing our brief asked me somewhat wistfully if I thought we would have any better success with the Select Committee than we had with the Department of Health or the Council of North York Township.

It seems to be that once a situation has become 'a fait accompli' it is difficult to correct it, nevertheless, we trust that from your deliberations and recommendations some remedial measures will be instituted which will take care of our problem. However, in conclusion I would like to state that as a result of lack of foresight on the part of generations now gone we have a water pollution problem of staggering proportions to contend with so let us solve the air pollution problem now and not bequeath it to our children or our grandchildren to grapple with. God knows they will have sufficient problems of their own to solve in a city which I understand Mr. Gardiner predicts will double its population by 1980.

(signed) R. V. 'Pat' Whelan
26 Burncrest Drive."

Thank you, gentlemen.

THE WITNESS: We do appreciate the reason why there are very many frustrated people on our street. For instance, after sending the petition to the Township Health Department, they advised us to engage a lawyer. That, I may say, was the unkindest cut of all. From Doctor Evis' lines to me, however, I was able to assure them that something would be done.

BY MR. BRANDON, Q.C.:

Q. Have you something against lawyers, then?

A. No, no. We have made a careful study of the reports of two Select Committees, the County Report and also the Select Committee on Conservation, so we know you have a very heavy task ahead of you.

A considerable number of the people on our street are about of my age and class. Many of them are thinking they may have to sell.

I think that ash question is important because I believe it is an unhealthy condition. I am in a good position to know what a great problem it is.

We invited the Council down to see the condition for themselves, but they did not show up.

BY MR. MURDOCH:

Q. Is the odour quite bad, as well as the fly ash?

A. It is very bad. We even have had to get up

and close our windows in the summer, at night.

Q. Have any representations been made to the owners of the apartment houses to abate the nuisance?

A. Dr. Hills said he was approaching the matter on a public-relations basis, but I was rather dubious as to what good that would do. I think I heard it said -- something about people who did not want to co-operate. There should be some teeth in the law, to make them co-operate. I have had a great deal of correspondence with the owners themselves. I do not want to inject it at this time as it deals with some other problems. You realize that there are several other problems in connection with apartment houses -- fences being broken, stuff thrown over from one side to the other, and so on. However, they did not pay any attention; they did not even answer the letters. ---The witness retired.

THE CHAIRMAN: Dr. Gilroy, Dr. Hills' assistant, Assistant Medical Officer of Health in North York, is here now. Would you care to say anything, Doctor?

DR. J. M. GILROY,

Assistant Medical Officer of Health, North York,
appearing before the Committee, but not being sworn,

deposes and says:

THE WITNESS: I must say that the present regulations for incinerators are not satisfactory. The present Building Code merely says that an apartment building shall have an incinerator, but does not specify the type or the construction.

Largely because of Mr. Whelan's representations, I endeavoured to ask our Council to consider recommending a secondary combustion chamber and a smaller type of screen. Mr. Whelan mentioned that the present screen is such that the ash can get through. On advice from two people who are technical men on your committee, under the Public Health Act, it is not possible to successfully prosecute for this condition. It is very largely a matter of property damage, and a better approach was to hope that this would be dealt with under a more extensive Metropolitan Smoke Abatement By-law. That is the situation at present.

We have made representations, asking for more rigorous control of the construction of incinerators, but we do not know whether we should wait until the Metropolitan By-law comes through.

BY MR. BELYEA:

Q. They have no means of disposal for carrying away the garbage?

A. The present system is that part of the garbage and cans are picked up by the municipal collection agencies. Most of the burning of garbage is in incinerators and is perfectly normal. If the incinerators are properly constructed there should be no offence, but most of them are of a rudimentary type and it is impossible to do a satisfactory job with them.

BY MR. NEWBURY:

Q. In view of the fact that as many as 60 people are involved, could this not be handled under the Public Nuisance Act? You cannot prosecute under the Public Health Act because there is no health hazard involved, but it seems to me there is a definite nuisance there.

A. That is so.

THE CHAIRMAN: It might be something for the Township to consider. Are there any further questions? (No response).

Very well, thank you very much, Doctor Gilroy, for appearing before us.

---The Witness retired.

THE CHAIRMAN: We have with us representatives of the Dominion Ceramic Works. Is Doctor Carl Reimer here?

DOCTOR REIMER: Mr. Helmut Fugel will present our brief.

THE CHAIRMAN: Very well.

H E L M U T F U G E L,

Dominion Ceramic Works, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: "I have the honour of speaking on behalf of my friend, Mr. Luitpold Feldmeier, a combustion and ceramic engineer, who takes pleasure in offering for your consideration the following brief.

One of the main causes of air pollution is a result of unburnt fuel materials being expelled through the smoke stacks into the open air.

This is especially the case with oil-burners, which do not burn continuously, but operate periodically, whenever the room-thermostat signals for more heat. When this signal is received, mechanical atomizing of high pressure fuel oil results in the burner-tip. The pressure is then released through the burner-opening, whereby at the same time, air is mixed with the atomized oil to enable burning.

As however this mixture of atomized oil and air is expelled into a cold chamber, and it is on the other hand known, that a certain temperature is essential to permit combustion, which is actually a chemical combination of oxygen with other elements, combustion occurs only partially. In this way insufficient heat is liberated, and incomplete

"burning results. Thus a large proportion of unburnt fuel is expelled into the air through the chimney, causing pollution of the air.

These conditions, which cause incomplete burning of fuel oil, i.e. pollution of air, can however be corrected.

To make this possible, i.e. to enable a complete combustion of fuel oil in the furnace, so that only burnt and unarmful gasses are expelled through the chimney, I have invented a Combustion Chamber, which is built of a special refractory material. It consists of specially mixed and treated abrasives, which pick up heat 10 times faster and hold heat 10 times longer than any refractory made of fire clay.

This material has a safety factor of 1000 degrees beyond the requirements of its function, and will radiate the heat after a burning period for 45 to 60 minutes. Thus when the oil-burner is signalled to ignite, the combustion chamber is still warm from the previous heating operation. This enables combustion of expelled oil-air mixture at once.

Another factor of importance is, that by the construction of this chamber, the rear wall is sloped

"forward, forcing the oil-flame downward so that a rotating motion of the burning gases results. And as a cause of this rotating action, combustion of any remaining unburnt oil particles is completed.

The adjustment of the oil-burner is also very important. It must be adjusted to produce a clear and not a smoky flame. In my profession as combustion-engineer, I have inspected many thousands of oil-burners in operation, of which 90 percent. were adjusted to produce a smoky flame. Such oil-burners will consume more oil, and as this oil is only partially burnt, it will cause a greater pollution of the air.

Having now created the best and hottest heat by first-class combustion, it is important, that this heat be captivated, i.e. not to allow the hot burnt gases to escape before giving off their stored heat to the furnace walls.

To accomplish this, I have again invented a device, made of the best refractory material and possessing the highest heat preserving qualities. This device, called the 'Crown Fuel Oil Saver', is a unit for itself. It is installed in a furnace or boiler and directs the gases rising from the combustion chamber to the inner side walls of the

"furnace or boiler, thus utilizing the heat of the hot gases at their highest heating point. This device holds back the hot gases delays their exit out of the chimney, and by doing so enables the furnace to pick up heat, which is normally lost through the smoke stack. It provides thus quicker heating and more efficient and economical operation.

A Crown Fuel Oil Saver is a unit, which is tailor-made to fit the inside measurements of a certain furnace. Each device is supplied with a written money-back guarantee statement, and guaranteeing a saving of fuel-oil from 15 to 38 percent. This also includes a 7-year guarantee against shock or disintegration.

In our estimation, if every oil burner in Canada would use this device, a saving of 50 to 75 million dollars per year would result, and air pollution would be reduced by 25 to 30 percent.

I would like to thank the Select Committee on Air Pollution and Smoke Control for enabling me to present my suggestions to them. And I would like to state that the original idea of my invention was born out of a sincere desire to improve living conditions by using better methods.

Yours very truly,

(signed) Luitpold Feldmeier,
Combustion and Ceramic Engineer."

THE CHAIRMAN: Thank you very much.

BY THE CHAIRMAN:

Q. Can these be used in private homes?

A. Yes.

Q. What would the price be?

A. The price varies according to the diameter of the furnace inside, from \$40 up to \$80. The resulting saving of oil will save the cost of the installation in one year, so that, in the second year, the house owner would actually be saving at least 15 percent. We have had experience of a saving up to 30 percent., but we cannot guarantee that but we have had it up to 30 percent. saving, and even more.

Q. The idea is that you burn more of the oil and less goes out of the chimney?

A. Yes, it revolves in the furnace before escaping in the chimney.

BY MR. GORDON:

Q. Is that price which you have just quoted installed?

A. Yes, installed completely. It is a one-time price, and has a seven year guarantee against disintegration, and there is a guarantee in writing to save at least 15 percent.

BY THE CHAIRMAN:

Q. You must be selling thousands of them?

A. No, we are not. Mr. Feldmeier is a very kind-hearted man. He is not a commercial man or a business man. I am here speaking on his behalf.

MR. GORDON: May I ask a question? Can these be used with hot water and hot air?

THE WITNESS: Yes, they can be used in any oil furnace. They are tailor-made for each furnace.

BY MR. THOMAS (Oshawa):

Q. It would be sort of an insulating jacket?

A. If you like, Mr. Feldmeier could give some explanations.

MR. BELYEA: This is quite a reasonable thing.

Ninety-nine percent. of the installations are for a price. The modern housing man puts in the cheapest thing, to save two or three dollars. There could be many different types of unit put in which are much more economical, both from the point of view of starting and heating the inside surface, getting the heat into the house instead of up the chimney. So the thing is quite possible and feasible.

BY MR. NEWBURY:

Q. Have these been tested by any authority?

A. Yes. They have been tested and the patent has already been granted.

BY MR. ELLIOTT:

Q. Has it been accepted by the Central Mortgage and Housing?

MR. FELDMEIER: Perhaps I should say something. I need not say the oil companies are against it.

THE CHAIRMAN: Naturally.

MR. FELDMEIER: We have had a hard battle, because the customers did not understand them at all.

BY MR. ELLIOTT:

Q. Where are you manufacturing them now?

MR. FELDMEIER: Here in Toronto.

BY MR. THOMAS (Oshawa):

Q. How long does it take to install one?

A. It takes about 20 minutes to install.

THE CHAIRMAN: Take my address now, and come out and demonstrate it at some future date.

Are there any further questions to ask of the witness?

THE WITNESS: We will be glad to demonstrate the oil saver for you, if you wish.

MR. GORDON: Does your equipment disintegrate in the course of time?

A. No. We have a seven-year guarantee.

BY MR. ELLIOTT:

Q. Have you an agent in Hamilton? Or anyone

looking for an agency?

BY MR. THOMAS (Oshawa):

Q. Is it sectional?

A. Yes, it is built into the furnace. It is very easily put in,,and is of very strong material. It is a new type of material, which looks like iron, but it is stone.

THE CHAIRMAN: Thank you very much.

---The witness and delegation retired.

J A M E S H I C K S,

Past President of the George Symes Ratepayers Association, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. We will be glad to listen to anything you care to say, Mr. Hicks.

A. Mr. Chairman and members of the Committee; I am here to speak on behalf of the citizens of the Runnymede District, North Runnymede, South Runnymede, and part of High Park Riding.

Q. You knew they were to appear this evening? They said that because so many worked in plants and factories during the day time, it was impossible for them to come down, and the Committee very kindly said

they would sit in the evenings.

A. Perhaps it would be as well if I said a little bit to you now.

Q. If it would be convenient, could you not come with the group to-night and discuss the matter? That might save a little time.

A. I will not take up much time of the Committee, as I have no brief to present this afternoon.

I was President of this Ratepayers Association for three years, and all the time I was there, all I heard was "smoke", because it is a district where people ask you "where you live? You live in this smoke district?", and you have to say "yes".

People say "How can I sell my house?", and I say, "If you have a buyer, come around the other way to sell your house, because if you go past the roundhouse, you will never sell it."

There are around 35 stacks on that roundhouse. Our Ratepayers Association got after the Council, and what we did was to number some of these stacks, numbers "1", "2", "3", "4", "5", and "6".

I believe they are allowed only so many minutes per hour for the emission of smoke. If I am not mistaken, it is about 10 minutes per hour.

Men were stationed at convenient points, to get

on the telephone if they saw one stack smoking too long. They would phone up and say, for instance, "Stack number 1 is emitting smoke". It takes about 5 minutes to get the information on the telephone, but in the meantime that stack may have been emitting smoke for 15 minutes.

What are we to do? What they do is to simply pull the engine out from under the stack, and take it out into the yard.

We got after Mr. Hall, who is the reeve -- he may be here to-night.

We had a consultation with Mr. Hall, and told him that he had to find a solution, and he found an inventor who said he could alleviate this smoke, and he said he would like to see this invention. I told him I would also like to see it, so he took some of us down to the East end and showed the test.

One of the gentlemen here spoke about a test a few moments ago (Mr. Newbury); I am speaking about a test which can be done on the railway.

That was a year ago, and they actually put on a platform a pipe section, but it was said it would have to be made a little larger, and they got equipment from the Canadian Pacific Railway to put this test on one locomotive, but there was an expense of \$5,000. in the way of completing it. The inventor was not going to

spend \$5,000. of his own money to put on this test; perhaps it would be turned down; he did not know; then he would be out the \$5,000.

The Township of York would not pay \$5,000. to help our people out of the difficulty. That is why I am here today. I want some help from you gentlemen. You look like gentlemen who are very much alive.

We have been requesting this for years, as this matter has been going on now for about 15 years. People visit my office downtown and meet the railway officials. They have all sorts of angles, but we have the smoke coming down, and when you are going through the subway sometimes you have to rub your eyes to take the dirt out.

I went into a restaurant the other day, one which had just opened up, and while I was eating, I said, "Do you get much smoke?", and the proprietor said, "Yes, when the wind is coming from the north," and I said, "Yes, the people down south are getting it now." He said, "When I opened the restaurant, you see that intake; well, I took half a pail of soot out of there." I said, "You did, eh?". There must have been soot getting into the food that people were eating. In that regard, I am speaking about the health angle

I think the way to eliminate this smoke is to

take out the thirty-five stacks, and put a duct around, to convey it to one smoke stack, which might go two hundred feet into the air.

It is up to you to find out if this invention is any good or not, but the Council said it was a success when they saw it.

It is up to you. If you are going to do anything for us -- and I do not know whether or not you are; you may be like our York Township Council, which has not done anything for us -- and I think it is up to you to put these gases into one chimney, and all the gases which come from the various engines, by way of this chute, will be conveyed into the one chimney, and the gas and smoke will then go further up in the air.

You know as well as I do that no man can start a boiler that is cold in 8 minutes. Why not let them have perhaps half an hour, to get the engine warm? With proper equipment, that could be done, instead of running the engine out into the yard, and polluting the air still further. If they had one chimney, they could take their time in warming up an engine, without running it into the yard.

They will cut it out, if you persist long enough on the telephone.

Of course, there is a little money involved

here. There is always money involved wherever we go. There is \$5,000. which the Council of the Township would not give us. If Metro is going to do anything for us, they will have to find the \$5,000., and find out if the machine is logical or not.

BY MR. ELLIOTT:

Q. How long would it take them to try out the invention?

A. I think that could be done in an afternoon.

Q. You say they would have to put the whole 35 stacks into one chimney?

A. They wanted to try it on one stack, to see if it would eliminate the smoke.

Q. And that would cost \$5,000.?

A. To make this investment, I believe it would.

Q. Supposing it did not work?

A. Then I suppose the \$5,000. is lost.

Q. You have just thrown it out of the window?

A. That is what the Township thought, but I think it is worth a chance. Should we gamble with our health?

Q. You would be satisfied if the ratepayers in that area put up the \$5,000. by way of a debenture to try out the invention?

A. I would, spread over the township because we

are trying to help one another.

Q. But it only affects you in that area.

A. Why not spread it over the whole township?
There are other things for which we have to pay, which do not effect us.

Q. I doubt it.

A. For sewers, parks and so forth. If they put in a new sewer in another part of the district, it does not affect me.

Q. You have sewers, have you not?

A. Yes, but if we break it down, we have to do that.

Q. But all these parks do affect you, too?

A. We have to pay taxes, and it should be put over the whole area. That is the way I look at it.

BY MR. BELYEA:

Q. Have you tried writing to the Board of Transport Commissioners?

A. No, sir.

Q. It is under their jurisdiction at the moment. I suggest if you write to them, it would show them there are these complaints. We know your problem.

A. If you have gone through the Runnymede subway, you know the trouble.

BY DOCTOR EVIS (Secretary):

Q. The Board of Transport Commissioners said the

roundhouse was fixed up, and there was nothing coming out of it.

A. The railway apparently can do what it likes. It seems to me the railroad is privileged. They have got to the stage where they come back and say, "We can do nothing". But they are willing to "go along" with us if we put up the money.

BY MR. BELYEA:

Q. Are you inferring there was not enough accommodation for the engines, and they had to get them out quickly to get another engine in and light up?

A. If we telephone in, they have to get that engine out.

Q. You mean if they had more time to light up --

A. That is my suggestion, to get them to light up properly. The green fire is what smokes.

Q. I know that, but is there enough capacity in the roundhouse for them to take one-half to three-quarters of an hour to light up?

A. I believe so. It is a big roundhouse. But when they get them in there, they belch this smoke out.

I believe some of us are coming down to speak to you to-night.

I have endeavoured to give you my angle.

THE CHAIRMAN: Thank you, Mr. Hicks, for coming down.

---The witness retired.

THE CHAIRMAN: We have Mrs. Ann Soloski, who has indicated that she would like to say something to the Committee, and we would be glad to hear it.

M R S. A N N S O L O S K I,

Housewife, residing in the area in question, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. Will you please proceed, Mrs. Soloski? We will be very glad to hear what you have to say.

A. I am a very poor speaker, and I have nothing on paper. I represent West Toronto.

Mr. Chairman and members of the Committee:
I am speaking purely on one factory, because the fumes and smoke come in, and I will not take up any more time than is necessary, because of the time pressure.

Q. You just take your time, Mrs. Soloski.

A. I want to speak about one factory, one we call the Wagman factory, on Evelyn Street. It is a bad factory for our people, and for our children.

Q. That is south of Royce Avenue?

A. It is north of Royce Avenue.

There are three factories combined together. I was with a delegation which appeared at the City Hall, and before the Building Committee, but we got nowhere. I think I have been in the City Hall perhaps more than five hundred times. But not much could be done as that factory was exempt from the by-law.

There is a Catholic school there with small children, and the windows cannot be opened. It is situation, I would say, about 25 or 30 feet from the factory. The school has no chance, it cannot move from there.

There is a park there, known as Carlton Park, in which our children play, as they have a very nice playground there. But the children get sick there every summer, and many of them have to be carried home, because they cannot play in the park on account of the fumes.

Last fall they built a wading pool for the small children of the district. You know how fumes will settle on water. The children will drink the water either accidentally, or they may simply take a mouthful.

I am afraid by the time we pass a new by-law, we will be having more trouble than we have every had up to now.

I have been very much against this for

quite a number of years. We have been taxpayers there for quite some time. We cannot have our curtains there for more than six months, whether they cost \$100.00 or \$1.00, because the acid eats right through them.

As one of the gentlemen said, we are trying to keep the neighbourhood clean and act as good taxpayers. We have shrubs there in the summertime, which are badly affected. It is too bad Mr. Neilson is not here, as he could say what has happened.

We have more factories which cause trouble, but this one about which I am speaking is especially bad for our generation. I, myself, have no small children, but I have to fight for others.

Speaking about chimneys: the chimney on this factory is of no help at all, because what he is doing is in the factory, and he places it very low, and it goes right into the park, and if you were dressed like you are now, you cannot cross the park without your pants becoming all green up to your knees.

Why they let factories go along like that, I do not know. We have had the police there, and the Health Department, and everyone we could think of, but nothing has been done up to to-day.

BY THE CHAIRMAN:

Q. Mrs. Soloski, you mentioned children; we are

all concerned about the children. Have any of the children been taken to the doctor?

A. I had a few telephone calls this morning to come down here. I had a clipping from The Telegram where Mrs. Robinson mentioned that some of the children had been carried out, and she was called to the school at that time. The children were very sick.

Q. What school is that?

A. It is St. Rita's; it is a Catholic school.

That has been going on for years and years, but wherever I go , I am up against a stone wall.

I have met one man who said he is exempt from a certain by-law, and he told me he could not do anything for me.

I have been awaiting this opportunity. If I had known the Committee was meeting to-day, I would have been better prepared than I am.

As you no doubt realize I am not a good speaker, but I do want to say what I have to say.

We have immigrants to this country. The government has brought them to this country, and should look after them, and not let the children become sick in the schools, to a point where they have to be carried home, or where a doctor has to be called.

This school is very close to the factory and

they cannot even open the windows.

Q. Could you give us the names and addresses of the doctors in the area whom you think treated some of the children?

A. I could not give that to-day.

Q. Could you get that information for us?

A. Yes.

Q. From the school?

A. Yes.

Q. Would you mind doing that?

A. No.

Q. We would like to talk to any of the doctors who treated the children.

A. I had a health authority there, and they suggested some of the powder from around the base of the school be analyzed, which was done, and they said it was bad, but we could not do anything about it.

BY DOCTOR EVIS (Secretary):

Q. Will you have the principal of the school send us that information?

A. I will be glad to do that.

BY THE CHAIRMAN:

Q. Are there other manufacturers there?

A. Yes, the Cadmium Plating Company.

MR. CUDBIRD: I am familiar with this case,

Mr. Chairman and gentlemen, and I have a certain amount of sympathy for the people who live around there.

The complaint is in connection with the Wagman plant, but there is an interlocking plant called the Toronto Cadmium Plating Company, which has been a source of nuisance all the way through the years.

THE CHAIRMAN: What do they do?

MR. CUDBIRD: They have a smelter similar of type used for iron ore and aluminum, and other types of metal which is smelted there.

In the course of the year, notwithstanding they were outside the municipal by-law, we were able to make them install what we term a "bag house", which has been mentioned here this afternoon.

But there is always some difficulty with this type of bag house, as sometimes the bag itself will become excessively hot, and will be ignited and burned. Then we have a great deal of trouble.

This complaint has also recently come up again, I understand, and they are, at the moment, in the process of building an additional bag house. They are very restricted for space there, and have developed the idea with certain help to build a bag house on top of another bag house. The original bag house has a capacity of collecting about 62 bags, which represents a tremendous

amount of dust.

With the addition of another 62 on top of that, they will be able to reduce their polluting factors very greatly.

The trouble is that the Cadmium Plating Company use a galvanating equipment, and such like, and it does give off a tremendous amount of fumes, and I think that is the one about which the lady (Mrs. Soloski) is complaining.

There is a huge exhaust fan looking to the East, opposite the little park they have there, in which young children play, and it is here the fumes are causing trouble and creating quite a nuisance.

It is my understanding that the exhaust fan will be done away with, and an up-take put in at the opening, and possibly brought back into the bag house, where they hope they can collect all their smoke and put it through the bag house.

That has not been done at the moment.

MR. ELLIOTT: They are working on it now?

MR. CUDBIRD: Yes.

MR. MURDOCH: Which was there first, the plant or the school?

MR. CUDBIRD: Oh, I would say that St. Rita's Catholic School was there first. There is no argument

about it, but that these little folks are suffering at times from the smoke which comes in there.

When I was with the City as Director of Smoke Abatement, we received numerous complaints, and we felt it was exceedingly futile to attempt to remedy the situation, by virtue of the by-law, as we felt we simply could not do that, and we had to appeal to the good-will of these people, and they have done many things to improve it.

MR. MURDOCH: Is it generally an industrial area?

MR. CUDBIRD: Quite, but nevertheless it is a nuisance, and must be fought until it is brought down to a comparable level.

MR. NEWBURY: What is that green powder?

MR. CUDBIRD: It would be the product, I assume, from the coating of this galvanized plant, where they are dipping it into the salamanders, with quite a high temperature, with the result that the powder is taken out and exhausted out by large fans, which I imagine are about three feet in diameter.

THE CHAIRMAN: Are there any other questions any member of the Committee would like to ask Mrs. Soloski, or Mr. Cudbird? (No response)

If not, we thank you very much, Mrs. Soloski,

for coming and speaking to the Committee today.

---The witness retired.

THE CHAIRMAN: Mr. Cudbird, was there anything else you wanted to say about the general situation?

MR. CUDBIRD: I do not wish to take up too much time, but I have been greatly interested in being here this afternoon, and listening to the good work you people are doing, and you certainly have my blessing.

There is one thing in which I was interested when Mr. Kent was presenting his brief, in connection with the brief from the City of Toronto proper, when he was speaking about the "low volatile coal".

It is not true to say that Pittsburgh does not permit soft coal to be burned. What would have been, I think, very much more in focus is that Pittsburgh does permit soft coal to be burned with hand-fired units, but the volatility cannot be any greater than 20 percent.

That is a mighty good law, and one which I hope the Select Committee will take into consideration when it is evolving a by-law of its own.

If you do not mind, in my capacity as an Advisor for the Town of New Toronto now on smoke matters, may I say that they asked me for my opinion of the brief which was submitted, and I would like to hand you this for your perusal. It will give the information much more fully than anything I can say.

It is as follows:

November 25th, 1955.

Mayor D. R. Russell,
Town of New Toronto,

Dear Sir:

I have carefully reviewed the attached brief which the City of Toronto has prepared and submitted to the Select Committee of the Ontario Legislature dealing with Air Pollution Control matters.

My comments on the brief are as follows:

I am in complete agreement with the views expressed on page 5, paragraph 1, relating to exemptions and wish to stress that NO exemptions whatsoever should be written into any future legislation pertaining to Air Pollution Control.

Page 8, paragraph 3, it states that the City of Pittsburg prohibits bituminous coal from being used in hand fired boilers. This statement is incorrect and might prove misleading to the Select Committee in their endeavour to legislate equitable laws.

Section 4 of the Pittsburg smoke code, copy of which is attached permits the use of bituminous

coal in hand fired equipment but they insist that such coal shall not exceed 20% of volatile matter on a dry basis.

Bituminous coals vary considerably in respect to volatile content; ranging from 12% to 36% and higher in some cases. The higher the volatile content the greater is the possibility of creating dense smoke when such fuels are burned in hand fired units. Hence the wisdom in specifying the permissible volatile. I might add the word 'bituminous' is not used in the Pittsburg smoke code; solid fuel is substituted for it which is a better terminology with coal users.

It is recommended that the Select Committee incorporate both these features in any new legislation.

Page 8 paragraph 4 is not entirely clear to me. However, I think the inference is that the existing City of Toronto's smoke by-law is ineffective since it allows 6 minutes of dense smoke (corresponding to No. 3 or greater of the Ringelmann Scale) in any one hour or 10 minutes of lighter smoke (corresponding to No. 2 of the Ringelmann Scale) in any one hour. The

interpretation of this clause, however, has been misconstrued to mean every hour and advantage has been taken of such unfortunate phrasing.

In order to obviate any loop holes in new legislation, I would suggest the Select Committee give consideration to the following:-

'Dense smoke within the Metropolitan Area of Toronto is prohibited. Smoke shall be considered dense when it is equal to or of greater density than No. 2 of the Ringelmann Chart. The exception to this order shall only be:- When a fire box is being cleaned or a new fire being built therein smoke shall be permitted of a density of No. 2 or less for a period or periods aggregating 9 minutes or less in any one hour, or of a density in excess of No. 2 smoke for a period or periods aggregating 6 minutes or less in any one hour. Such a regulation would confine dense smoke discharge to the hour when it is necessary to clean or rebuild a fire; not a continuous hourly affair.'

On page 9 paragraph 5 it is suggested that provision be made in the legislation for Companies

or Firms to appeal to the Ontario Municipal Board against the request of the Metropolitan Smoke Control officer for improvements in their respective boiler plants where the cost of such improvements would exceed \$500.00.

While one must never deny the right of appeal it does occur to me that very little can be obtained to-day in the way of equipment to reduce smoke or fumes for \$500.00. I feel that under such circumstances the Ontario Municipal Board would be flooded with appeals, which would prolong the time of reaching our objective i.e., cleaner air.

I am therefore of the opinion that this clause needs very careful study by the Select Committee and so recommend.

Page 10 paragraph 9 relates to Railroads and Steamships both of which contribute considerably to the overall smoke problem.

It is gratifying, however, to learn from C.N. officials that diesels are supplanting steam locomotives at an increased rate. Some 52 diesels now move in and out of our New Toronto marshalling yards daily representing 50% of the total locomotive dispatch at this point. Some additional 10 diesels

are expected in the next month. If the Select Committee, through the provincial government, can prevail upon both railroads to expedite delivery of diesels one and all will be most grateful.

Similarly with steamships the dense smoke from which creates a most unsightly aspect and blows over the down town section of Toronto and occasionally reaching our Municipality.

Any assistance on the part of the Federal and provincial governments to relieve this situation would be most welcome.

(signed) L. J. Cudbird,

Director of Smoke Abatement,
Town of New Toronto."

THE CHAIRMAN: Thank you, Mr. Cudbird.

MR. ELLIOTT: Can soft coal be burned?

MR. CUDBIRD: No, I would not trust cannel coal.

The "bad boy" in the picture is the volatile content, and it runs from as low as 12 up to 38, and possibly higher.

THE CHAIRMAN: Are there any further questions?
(No response).

If not, we thank you very much, Mr. Cudbird,

for coming out to our meeting today, and sitting in with the Committee.

---Mr. Cudbird retired.

THE CHAIRMAN: We now have a deputation from the Toronto Peace Council, Miss Eryl Levers, Secretary. We will be very glad to hear what they have to say.

MISS LEVERS: First, Mr. Chairman and gentlemen, I would like to introduce our deputation.

First, Mr. Baxter, an Executive of the Toronto Peace Council, Mr. Robinson, Executive, Mr. Bruce Mickleboro, Executive Secretary of the Canadian Peace Congress, who has accompanied us because our brief will have some bearing on province-wide matters.

Then Mr. and Mrs. Frank Hoch, who are interested in our work.

I have material for each member of the Committee, and Mr. Baxter will speak for the Council.

M R. B A X T E R,

Executive, Toronto Peace Council, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. Will you proceed, Mr. Baxter.

A. Mr. Chairman and gentlemen; I have here a text

of the brief which I believe was submitted to your Committee several weeks ago, and, in addition, a supplementary submission, containing other supplementary material, which is all included in the envelope here.

First of all, I would like to read the brief, and then to read from the other material for as much time as is permitted to me.

(Page 1730 follows)

"In view of the widespread concern and anxiety of the citizens of Toronto and Ontario generally with the effects of air pollution by radioactive fall-out caused by the testing of nuclear weapons, we wish to present a brief on this subject to your Committee.

1. It has been pointed out by many Canadian scientists that the figures on the amount of radioactive fall-out in Canada (and therefore in each province) should be made available to bodies such as this, and to the general public. These figures are withheld by the Department of National Defence. As long as this situation exists, it is impossible for your Committee, which has been assigned the specific responsibility of protecting Ontario citizens from the dangers of air pollution, to assess the extent of the danger which we know exists. It is therefore impossible for your Committee to take the action for which you have been appointed.

The only data we have been able to examine in this matter is a report by scientists at the Royal Military College, Kingston, which appeared in a September, 1955 issue of 'Nature', on the measurement of radioactive fall-out in the City of Kingston for

"1954. Their recordings showed a many-fold increase in radioactivity, more particularly during the period of the Bikini tests, when two peak fall-outs exceeded the measuring capacity of their instruments.

The Ontario health authorities should be able to obtain all necessary information, to assess it, and to recommend appropriate action.

(2) On the question of provincial responsibility on just one aspect of radioactive contamination, your Committee is no doubt aware of the fact that the Government of Saskatchewan is gravely concerned with the question of the amount of radioactive STRONTIUM that has fallen on that province. As specialists on this committee know:

(a) Radioactive strontium has a half life of 80 years; that is in eighty years, its radioactivity will have been reduced by only half.

(b) Radioactive strontium acts like calcium in living organisms -- it can be concentrated by grains, etc., and these grains ingested by animals and humans. This would lead inevitably, we are informed, to fatal forms of cancer.

In this regard, we submit that your Committee should ascertain:

"(a) The amount of radioactive strontium that has fallen in this province since the tests commenced.

(b) The rate at which radioactive strontium is concentrated by biological processes.

(c) The consequent possible grave danger to the citizens of Ontario by this contaminant alone.

This is one of many examples which illustrate the urgency of more information on radioactivity, about which your Committee must be deeply concerned. It also underlines the validity of our first request that the uncalculated risk of further nuclear blasts can no longer be tolerated by the citizens of Ontario. We urge your Committee to recommend their immediate termination.

We also would urge you:

(a) To ask the Federal Government to release their data on radioactive fall-out measurements in Ontario.

(b) To ask the Federal Government to support the resolution being proposed to the present sessions of the United Nations by the Geneva Atoms for Peace Conference, that a world committee of scientists be established to consider the effects of radioactivity on human populations.

"We repeat our plea to you to recommend that no more tests be held. As Robert Oppenheimer, the outstanding U.S. scientist in the field of nuclear energy, stated: "The situation is like that of a car driver who cannot know what lies beyond a corner and who is idiotic or criminal if he then steps on the gas.'" (New York Times, May 31, 1955).

The above is respectfully submitted by:

The TORONTO PEACE COUNCIL,

E. M. Aplin, Chairman"

In view of the fact that this brief was prepared some weeks ago, I would like to have the permission of the Committee to read a short supplementary submission, which is perhaps a bit more up-to-date. It is also in the envelope. It is as follows:

(Page 1734 follows)

"Last fall we forwarded a brief to your committee which pointed to the difficulty of your committee's carrying out the functions for which it is appointed in the absence of data, presently being withheld by Ottawa authorities, on the amount of radioactive fall-out in Canada following nuclear test explosions. We quoted the only data we had to hand, showing that two peak fall-outs during the Bikini explosions exceeded the measuring capacity of instruments at the Royal Military College, Kingston.

We also suggested that your committee might try to ascertain the amount of radioactive strontium that has fallen in Ontario, the rate at which it is concentrated by biological processes, and the consequent possible grave danger to Ontario citizens by this contaminant alone.

We urge your committee to recommend the stopping of test explosions of nuclear weapons, and to support the resolution at the UN for a scientific committee to consider the effects of radioactivity.

Since then the UN has established such a committee.

The UN Committee will make yearly progress reports and also a summary by July 1, 1958. While

"some delegates wanted quicker and more all-embracing work, others felt that a modest beginning must be made and this much time allowed. According to these decisions, definite conclusions will wait some time, and the work on defining the danger from nuclear test explosions may have to wait on several years of preliminary work.

Thus, there is a considerable period of time in which the citizens of this province will be exposed to a danger which at best is unknown, and at worst, as many scientists assert, seems likely to be serious enough that it would be unthinkable shortsightedness to ignore it.

Last spring, for example, the Kodak Plant at Mt. Dennis had to be quarantined. Radioactive fallout, blown 2,100 miles from Nevada, caused the company to examine the municipal water supply, the same water supply that many people depend on for washing, drinking and cooking.

Dr. James G. Foulks, of the University of British Columbia, in an article the full text of which we submit along with this supplementary brief, asks, 'Will continued experiments with nuclear devices lead to a poisoning of the earth's atmosphere with radioactive particles, with resultant damage to all forms

"of living organisms? Rising apprehension concerning this hazard, was listed by Watson Davis, Director of Science Service (U.S.) as one of the most important trends in science during 1954...The list of prominent scientists who have given voice to these fears is impressive.'

Among the many points cited by Dr. Foulks is one of particular concern to this agricultural province: 'The thyroidal radioiodine content of cattle all over the world appears to have been significantly increased by the contamination to date. Conceivably, grazing animals may concentrate the radioactivity falling out over a considerable area, and over a substantial period of time.'

Our recommendation to this committee is that it seek approval from the Ontario Legislature for a request that the federal government give serious consideration to proposing, as a member of the UN Disarmament Sub-Committee, that all countries enter into an international agreement to stop testing nuclear weapons until the United Nations Scientific Committee or a comparable competent body shall have established what safe limits, if any, exist within which such tests may be conducted."

Now I have additional material here, but I

think it would be an imposition on the Committee's time to read it all, so I will confine myself only to a few excerpts, and the balance you can peruse at your leisure.

---Reference was here made to a Preliminary Report of the International Medical Commission but was not incorporated into the record.

THE WITNESS: These pamphlets (indicating) are published in Japan. One of the medical men conducted this work, and their conclusions are, in part, as follows:

--Reference was made to investigations by medical men in Japan but not incorporated into the record.

THE WITNESS: The third are some excerpts from a Christmas message broadcast throughout the world by His Holiness, Pope Pius XII.

---Reference was made to the broadcast, but not incorporated in the record.

THE WITNESS: I also have here an article to which reference was made in the original brief, by Professor Volkes of the University of British Columbia. Unfortunately there were not enough copies so that each member of the Committee might have one. We have furnished a copy for the Chairman and the Secretary, and will endeavour to get additional copies so each member of the committee may read it and study it at his leisure.

I do not think it will be necessary to read it at this time.

---Reference was made to article by Professor Volkes, but not included in this record.

THE WITNESS: Finally, I have a compilation of statements which has been prepared by the Toronto Peace Council, which is as follows:

"The duty of Political Leaders is to seek the stopping of the Tests until Research can Determine their effects, says Ottawa Citizen:

To the confusion of laymen, eminent scientists have been expressing different views about the danger point in background radiation. All agree that atomic and hydrogen bomb tests have had long-lasting effects on the atmosphere. But while some believe the danger point is still far away, others are convinced it is already being passed. Since science is divided and doubtful, it would seem incumbent on governments to reduce the risk, pending the outcome of studies that are now being made.

As has been remarked by the Medical Press, a professional journal in Britain: 'If in 30 years time we are told that a doubling of background radiation is in fact dangerous, that information

will only be of academic importance because the doubling will already have taken place and nothing can undo it.' ' This is an appalling thought. It should give pause even to those experimenters and military strategists who seem so engrossed in the military possibilities of the new weapons as to have become insensitive to other considerations.

In these matters, the supreme duty of political leaders to humanity must be to make sure that the atmosphere of the world does not become polluted to a genetically harmful or life-endangering degree. This duty requires the prevention of atomic warfare. It seem to require, moreover, as the Medical Press suggests, an international agreement to halt atomic and hydrogen bomb tests until research has found out just what have been or may be the effects on plant and animal life and so on the human race.'

-Editorial entitled The Menace
in Background Radiation,
Ottawa Citizen, May 10, 1955."

I would like to thank you for your attention to these submissions which have been made.

THE CHAIRMAN: Thank you, Mr. Baxter.

Are there any other members of the delegation who would like to say anything? (No response).

If not, we thank you for coming.

MR. MICKLEBORO: This brief is also endorsed by the different Peace Councils and Committees throughout the province of Ontario. I would not list all the committees, but I am sure they are in many constituencies which members of this Committee represent.

Also I would like to state that in discussions with farmers which I have had the opportunity to hold in different parts of the province, there has been considerable concern expressed about this question, and a note is made in the brief about grazing animals and the effect on them of the fall-outs. That refers to cows particularly, but it seems to me that a vast amount of this material came out from the pasture lands of the province, and while the effects in any given square foot may not be very great, it appears according to data as the cows proceed to graze the material in the organism of the cow is concentrated in the animal, and is passed on to humans in the form of food.

I am not in a position to speak authoritatively as to whether that is so or not, but this is one thing people are discussing, and I think this Committee is in a position of not being experts to rule on a serious problem, yet I would like to congratulate the Legislature and the Committee in recognizing its responsibilities in this difficult matter.

THE CHAIRMAN: I think Mr. Barefoot wanted to comment on the remarks of a previous speaker. He looks after the air pollution for the Canadian Pacific Railway.

I think we all remember Mr. Baxter, who appeared before the Committee with a machine he said would eliminate smoke.

MR. BAREFOOT: I thank you very much, Mr. Chairman. It has been very interesting here this afternoon to listen to other complaints, outside of our own.

Getting back to Mr. Baxter: there was a demonstration carried out on a very small scale. I was on my holidays at the time, but there were several representatives from our Railways Mechanical Department. The experiment was carried out on a Quebec heater steel stove, on a very small scale, and it did not really explain anything nor demonstrate anything very much, because the volume of smoke from that small coal fire was very minute.

After that time, I have been in direct correspondence and personal meetings with Mr. Baxter, and all through the correspondence and the series of meetings, he has never divulged what this is, in any way, shape or form, by the submission of any sketch, or the nature

of the chemicals, nor anything at all. In other words, one would almost feel he was dealing with a man who -- shall we say -- had some peculiarity, because when you got to a certain point, he immediately changed the conversation altogether.

The result is that the final analysis came to this; that I understand the backing he had been promised did not materialize, and his proposition was for the Canadian Pacific Railway to provide funds to build this apparatus and try it on a smoke stack, or extension stack of one of our pits at Lambton. We were to provide the locomotive; we were to provide the electricity, the air and the water; in fact, anything he wanted. I would go so far as to say the cost -- the estimated cost -- would be in the vicinity of about \$7,000. Anything of that nature, of course, would go far beyond this estimate, so as an over-all figure, we figured about \$10,000.

It is very difficult to convince our men -- engineers, chemical men or otherwise -- that our railroad should invest \$10,000 in something about which we know nothing, and upon which we had received no details whatever.

The last time I saw Mr. Baxter was seven months ago at our smoke meeting in Detroit.

That is how the situation stands in regard to Mr. Baxter's invention or contrivance or whatever it might be, and we can get no further than the fact that he has something, the details of which he has not told us.

DOCTOR EVIS (Secretary): That substantiates what Mr. Belyea and I found when we went to the demonstration. We could not even look in the door to find out anything about it. We got no information from him at all.

MR. BAREFOOT: His last meeting with me ended up on a rather peculiar note. He said, "If the Canadian Pacific Railway will build this and try it out, and it is successful, the equipment will be immediately destroyed and I will take the first plane for the United States."

I looked at him, and I said, "Why would you do that?", and he said, "Because, if it is a success, I can make far more money down there", but he added the proviso that the Canadian Pacific Railway would be able to use the device free of charge.

That was a very peculiar statement to make. He is a very peculiar individual to deal with, and we have no knowledge of what the device is.

THE CHAIRMAN: Thank you, Mr. Barefoot.

Is there anybody else in the room who would

like to speak? (No response).

Gentlemen, I thank you for your attention and support this afternoon. I think we have done a very strenuous job so far. We are meeting tonight at eight o'clock in this same room, and our dinner engagement begins at 5:30, with dinner at six o'clock.

Therefore, until 5:30, this meeting will stand adjourned.

MR. THOMAS (Oshawa): Before we adjourn, I would like to say for our members that this equipment is no good on a Timken burner. It will not operate on such a burner. I know, because I have one.

THE CHAIRMAN: Just before we adjourn, gentlemen, I have here a letter addressed to our Secretary, which I will ask him to read into the record.

DOCTOR EVIS (Secretary): The letter is as follows:

"To the Honourable Committee Members:

The following constitutes a brief summary of the facts pertaining to the operations of Canada Metal Company Limited in the City of Toronto and is submitted for the consideration of the Committee.

The Canada Metal Company Limited has maintained and operated a plant in the City of Toronto

for the reduction, refining and smelting of ores or metals and the fabricating of metal products in accordance with the objects contained in the Company's charter for some 50 years.

The present location of the Company's plant is located at premises municipally known as 721 Eastern Avenue.

Some 30 years ago a programme was laid out for extensive plant additions and alterations and various locations were considered by the Company, some at a considerable distance outside the limits of the City of Toronto. However, on being prevailed upon by representatives of the Corporation of the City of Toronto, final decision as to the location was the Company's lands at 721 Eastern Avenue.

At the time that the Company acquired the lands at Eastern Avenue and subsequently when the extensive plan extensions were made some thirty years ago, these lands were strictly of a commercial nature and no residential buildings were built closer to the Company's plant than Queen Street which is some several hundred feet north of 721 Eastern Avenue.

By reason of the Company requiring further

lands for plant extension, the Company purchased an acreage from the Toronto Harbour Commissioners, which lands were adjacent to their plant premises. This purchase was carried out in October of 1941 and since the acquisition of these further lands, the Company has erected buildings for its purposes thereon.

The Corporation of the City of Toronto has from time to time enacted certain by-laws dealing with the emission of smoke, etc. but has always exempted industries carrying out certain operations of which the Canada Metal Company Limited is and has been in the exempted class.

The Canada Metal Company Limited over the last number of years, while under no compulsion to do so, has caused to be erected and installed at considerable expense, certain installations to prevent or to cut down the emission of smoke and fly ash to the atmosphere wherever it was practical to do so.

The plant of the Canada Metal Company Limited has been constructed for one specific purpose that being the reduction, refining and smelting of ores or minerals and the fabricating

of metals and it is not adaptable for other manufacturing purposes, which inability to be used for other purposes would be reflected in a very low sale price if legislation was enacted to prevent the use of the plant at its present location.

We further submit that if legislative restrictions should curtail our use of the present premises of the Toronto plant that by reason of the inconvenience and cost that would be encountered in establishing and operating a plant for our purposes a number of miles from Toronto and in view of the lower labour costs in this industry in the province of Quebec, it would no doubt cause us to make a decision to transfer all our smelting and fabricating operations to our Montreal plant.

Respectfully submitted,
CANADA METAL COMPANY LIMITED,
(by their solicitors,
Reycraft and MacDonald)
Per: James R. Reycraft."

THE CHAIRMAN: There is also another letter, as follows.

DOCTOR EVIS (Secretary): It reads:

" Unfortunately I will be unable to appear before the Select Committee of the Ontario Legislature re Air Pollution and Smoke Control on Thursday, January 26th. However, if it is possible, I would like to ask that some action be taken concerning smoke which I am told emanates from the chimneys of the Bank of Montreal, at 16 King Street West and the Childs Building at 11 King Street West.

Situated as we are at the head of Jordon Street there is a very noticeable fall of soot and at times, each day, a very heavy smoke pulled down into Jordon Street by a down draft of air, which brings smoke from Childs Building into the front of our building at 24 King Street West and has caused damage to our goods.

If a complaint of this nature is within your jurisdiction, I would very much appreciate some action being taken.

Yours very truly,

(signed) Chris Wahlroth"

THE CHAIRMAN: Gentlemen, I think that concludes our business for this afternoon. I thank you again for your attention.

There being nothing further, we will adjourn

until eight o'clock this evening.

---The further proceedings of this Committee adjourned,
at 4:55 p.m. to reconvene at eight o'clock tonight.

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Mr. L. J. Cudbird,	New Toronto,
Mr. O. R. Barefoot,	Superintendent of Motor Power, Canadian Pacific Railway.
Dr. J. M. Gilroy,	Assistant Medical Officer of Health, North York.
Mr. H. Silverton,	President, Melody Road Ratepayers Association.
Mr. Arthur Howells,	Vice-President, Melody Road Ratepayers Association.
Mr. D. Willetts,	Secretary, Melody Road Ratepayers Association.
Mr. Sherry,)
Mr. B.S.Tromans,) St.Clair-Maybank Rate-
Mr. Geo. Moss) payers Association.

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THE CHAIRMAN: Gentlemen, we will come to order, and at this time I would like to call upon Mr. R. E. Sutton, M.P.P. for the riding of York-Scarboro.

Mr. SUTTON, M.P.P.: Mr. Chairman and gentlemen; I am very grateful to you for making this appointment for the Cliffcrest Ratepayers Association. They have their own submission to make, and the only thing I can do is to introduce Mr. Wilf. Rogers, who will introduce his group.

MR. ROGERS: Mr. Chairman and gentlemen; I would like to ask first that, as our petition involves two separate items, you hear Mr. Bretz, who will speak on the smoke problem, concerning the Canadian National Railway.

THE CHAIRMAN: Alright. We will be very glad to hear from Mr. Bretz.

W I L L I A M B R E T Z,

representing the Cliffcrest Ratepayers Association, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. Mr. Bretz, will you just proceed, in your own way?

A. Mr. Chairman and gentlemen; I understand you all have copies of the petition. I would like to speak to the first portion, which refers to the railway.

Recently, with the help of Mr. Sutton, we had a very satisfactory compromise with the railways out in Scarboro, and although the brief mentions a map, the situation has changed so much that I have taken the liberty of bringing along a more recent map, which I may lay on the table.

Because the problem has changed so much in the last few weeks, this map may be useful in bringing it up to date.

Our main concern in this particular case, Mr. Chairman and gentlemen, is to seek help from this Committee, in an endeavour to find some way of relieving

the situation which we anticipate, that is, a great deal of smoke from this yard which is going to be installed by the railway.

Not that we are against the yard, particularly now that we have received a very satisfactory agreement with them, but there will be thirteen tracks in there with shunting engines, possibly day and night, and I would like to have some suggestion as to the possibility of restricting that smoke, or filtering it in such a way that it will not be a hazard to our community.

The property for this railway yard was bought some twenty-six years ago, and, in the meantime, a community has grown up around it, so in an area of 2.7 square miles, there are over 10,000 people, and the entire area is very closely packed with small homes.

These lines here (indicating) represent 2,000 feet of tracks, for thirteen tracks, plus the main line track.

They intend to use that for shunting cars back and forth, and storing cars. Before we had the revised plan, there was a possibility of having forty-two tracks there, over two miles long.

The situation has changed a bit, but we still feel the smoke nuisance will be there, and we would like to know if the diesel smoke in particular cannot be

filtered, to avoid contamination.

Q. Which railway is that?

A. The Canadian National Railway.

BY MR. ELLIOTT:

Q. Is this in the Metropolitan area?

A. Yes.

Q. They are setting up a Metropolitan Committee now -- or just recently -- which was developed to take care of that issue pretty well.

A. Does that cover a limitation of the smoke-abatement issue?

Q. We were told the Metropolitan Committee was only born yesterday.

THE CHAIRMAN: The first of January, 1956.

MR. ELLIOTT: There is a Metropolitan Committee set up in this area, which is ready now to go to work, in an endeavour to handle the problem similar to what you are mentioning now.

BY MR. NEWBURY:

Q. You are making a direct accusation against diesels?

A. We think it will come eventually. At the present time, there are steam engines which come to a point in the middle of the section, and which have to wait there for trains to be brought in, to be split up,

and which smoke up.

We have a few pictures showing the smoke coming out of these engines.

BY MR. BELYEA:

Q. That affects the area here (indicating)?

A. Yes. This area (indicating) suffers from a continuous black smoke; it is not the white steam smoke, but black smoke from soft coal, and we do not appreciate it, from the point of view of our wives, shall I say, because they have to do the washings, and when they hang a washing out, it becomes covered with this black smoke.

Q. Do they have several of these shunting engines there?

A. They come in pairs from Toronto. There is a 3 percent. rise coming up to that point, and they help to draw up a train, and then the helper is taken off, and the main train goes on.

Q. The engines come mostly from elsewhere, or are there shunting engines there?

A. They do not store them there. They come from the city, and wait for another train to take on.

Q. It would not do any good to have diesels locally there?

BY MR. ELLIOTT:

Q. Do you find the diesels make a lot of smoke?

A. They make a film.

Q. A yellow film?

A. Sometimes I wonder if it is not purple.

It covers everything on the street.

BY MR. BELYEA:

Q. Would the oil come from the lubrication of the steam engine?/ Do you know anything about that?

A. We have had steam engines for some time, and diesels have been recently installed -- in the last four or five years, I think, as far as we are concerned.

Q. And that film has come since they were there?

A. Yes.

BY MR. ELLIOTT:

Q. The diesel is worse than the black smoke?

A. It is a toss-up as to which is the worst.

Q. And they are noisy?

A. Yes, they are very noisy.

BY MR. BELYEA:

Q. Have you any eye smarting or any irritation from the diesels?

A. Yes.

Q. What is it like?

A. It is like diesel oil. It has a raw smell, similar to what you get from a bus, when you are

The first part of the report
 describes the general situation
 and the results of the
 investigation. The second part
 contains the detailed description
 of the methods used and the
 results of the experiments.
 The third part discusses the
 results and compares them with
 the theoretical predictions.
 The fourth part contains the
 conclusions and the
 recommendations for further
 work.

The results of the
 investigation show that
 the theoretical predictions
 are in good agreement with
 the experimental results.
 The methods used in the
 investigation are reliable and
 can be used for further
 studies. The results of the
 experiments are very good
 and show that the
 theoretical predictions are
 correct.

The conclusions of the
 investigation are that the
 theoretical predictions are
 correct and that the
 methods used are reliable.
 The recommendations for
 further work are to
 study the effects of
 different parameters on the
 results of the experiments.

following it in your car.

BY MR. BRANDON, Q.C.:

Q. Is this area what was recently known as the "proposed marshalling area"?

A. Yes.

Q. Was there not something said that it was not going to be proceeded with?

A. They will still have storage for cars, and a place for shunting them. It is not called the "marshalling yard" now.

To the population as a whole, it is quite a satisfactory arrangement with the railways, but what they had originally planned was putting in forty-two tracks, two miles long, but in view of what will be there, we come with the idea of finding out if we can restrict their smoke, because they stand on these tracks for maybe twenty minutes stoking up, with no regard as to what is thrown off.

It is just straight, black smoke.

Q. Where is the location with respect to Victoria Park Avenue?

A. It is east and north. I should not say "north", because Victoria Park Avenue has been extended, but it is the McCowan side road.

BY MR. BELYEA:

Q. And you feel they can make less smoke by

proper stoking of the engines?

A. They stand there and puff this smoke out for at least twenty minutes at a time, and I understand there is something they can do about diesels.

BY MR. BRANDON, Q.C.:

Q. Is it something they are doing all the time?

A. It is a day and night proposition.

We made a check on it at one time, and we found there were 74 trains in forty-eight hours going one way, and approximately the same number going in the opposite direction. Those were on the main line tracks.

When they have about 100 cars, they have to be helped up the grade, and then they take off the helper engine, and that causes the trouble, because they would stop there, and would go on a siding, and while there, they are making the smoke.

Q. It is the engines on the siding which are making the smoke?

A. Yes.

BY THE CHAIRMAN:

Q. Mr. Bretz, you said something could be done with diesels? Would you care to enlarge on that?

A. That I am not positive about. I have heard from a number of the C.P.R. people, who said there was such a thing as a filter which could be put on the

diesels to prevent them smoking, or whatever it is which comes out of them.

BY MR. BELYEA:

Q. Are these diesels in good repair, or have they been around for a couple of years, and not been kept up?

A. I have not heard about that. There is another possibility, which Mr. Rogers would like to mention, regarding the second part of our petition.

---The witness retired.

W I L F. R O G E R S,

representing the Cliffcrest Property Owners Association, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. We will be glad to hear what you have to say, Mr. Rogers.

A. Mr. Chairman and gentlemen; I think you will find in the brief mention made of the Hagersville Asphalt plant which is known as the "Dual Mix". They have a tremendous output, and in the workable weather on highways, they start their plant going at about five o'clock in the morning, and are running it until about ten o'clock in the evening.

That necessitates, I understand, about 150 to 200 cars a day which are shunted into that area by the Canadian National Railway.

As I have shown you on some of these pictures of these engines -- it is only a temporary job at the present time. They are only working part time there, but in the summer time we have watched them work from five o'clock in the morning until ten o'clock at night.

This creates a tremendous amount of smoke film, and one thing and another. In fact, there are fumes and waste which come out of their chimney, and settles on the clothing on the lines, and even settles on the people walking on Kingston Road, which is, I would say, about three-quarters of a mile away from their plant.

How we can overcome that is not for me to say. You gentlemen might come up with a solution to that.

BY MR. BELYEA:

Q. Is that sand drying?

A. No, asphalt manufacturing.

Q. But they dry the gravel and sand before they add asphalt to it?

A. Yes.

Q. Do you not think it comes from the drying

processes?

A. No, I think it is more when they are throwing the tar in there, or whatever it is.

Q. Have you seen the equipment? There is a big tumbler which tumbles the sand over and over in an oil film?

A. Yes.

Q. Is there something like a cyclone there through which the gases pass at the top end?

A. It is gas from it, I know. There is quite a big boiler fire, with a flame going through.

BY MR. NEWBURY:

Q. On top of that is a conical collector?

A. Yes.

BY MR. BELYEA:

Q. There is nothing which follows that conical collector?

A. No.

BY MR. NEWBURY:

Q. Have you made any complaint elsewhere about this?

A. We have made a complaint to our Council. In fact, we have a letter addressed to our Council asking them to rescind the permit, but it has been left in abeyance, for some reason.

That asphalt plant is moving approximately 200 to 250 cars a day in that confined area, which necessitates all these shunting engines out there.

There is one more point I want to bring up, and that is, in one of these pictures (indicating) you will see an engine standing at the crossing. It stands there from Sunday afternoon from a quarter after three to four o'clock, belching smoke, waiting for the through trains to come from Montreal. Why they keep that engine up there when they cannot get going before four o'clock, I do not know.

BY MR. THOMAS (Oshawa):

Q. How long has the asphalt plant been there?

A. About one year.

BY MR. NEWBURY:

Q. Are you complaining about the engines shunting into the plant, or the plant itself?

A. The plant itself is creating a terrific smoke nuisance, and having all these cars in there is creating the necessity for all these engines.

Q. So you have two complaints?

A. Yes.

BY MR. THOMAS (Oshawa):

Q. Is the plant likely to be there permanently, or is it only a temporary affair?

A. I would say it is a permanent installation.

MR. BELYEA: Mr. Chairman, I think on all these railway points, these gentlemen should make it a point to lay it before the Board of Transport Commissioners.

People apparently are not aware that the railways come under its jurisdiction. It is a body which knows about these problems, and they will undoubtedly take it up with the railway.

BY THE CHAIRMAN:

Q. Have you written to the railway people and to the Board of Transport Commissioners?

MR. BRETZ: We have been down there, Mr. Chairman, on this project. We went to see Mr. Chevrier and then to hon. Mr. Marler, but not on this smoke matter.

MR. BELYEA: Mr. Marler is not on the Board of Transport Commissioners.

MR. BRETZ: No.

BY MR. MURDOCH:

Q. What did hon. Mr. Marler tell you?

A. It was not regarding smoke at that time. It was about the Canadian National Railway.

BY THE CHAIRMAN:

Q. What information did hon. Mr. Marler give you?

A. About what?

Q. About your problem.

A. Our problem last fall was to try and prevent the railway from going in as they had originally planned.

Q. It was not smoke at that time?

A. No. It has been a threat over the heads of the people for about fifteen years.

The Canadian National Railway bought that property in 1926, anticipating putting in a marshalling yard, and at that time it was so far out of the city, that it was a "natural".

They went ahead. They owned the land, and it was allowed to be built on completely around the property.

There were 170 acres there.

BY MR. THOMAS (Oshawa):

Q. Did you discuss this air pollution matter with the hon. Minister?

A. No. It was the marshalling yard we were discussing, and we have now quite a satisfactory result from our meeting with him, and the various other meetings we have had.

It is the smoke which is a constant nuisance, and we anticipate it will be worse with the sidings going

in there.

BY MR. BELYEA:

Q. The Committee will undoubtedly arrive at a decision, but pending that time, do you not think you might get more immediate action by putting it before the Board of Transport Commissioners?

A. I have had experience with the Transport Board, and I know how long it takes.

MR. THOMAS (Oshawa): So have we.

THE WITNESS: We are waiting at one place for a signal to be moved back, and the road widened. The road is finished, but it narrows where it crosses the tracks. It is a four-lane road crossing a single track, and there is a wig-wag there.

That application has been in for a long time.

BY THE CHAIRMAN:

Q. And no word on it?

A. No. That is why I fell in line with our committee, when it was suggested we come to see you.

MR. BRETZ: This problem brought up by Mr. Rogers in regard to the asphalt plant, is exactly as he says.

In the summer time, they are unloading those cars at night, sometimes until three or four o'clock in the morning.

BY MR. MURDOCH:

Q. Were there not residences in this area before the asphalt plant was established there?

A. Yes, sir.

Q. In other words, the residences were there first?

A. Yes.

BY MR. ELLIOTT:

Q. Is it zoned as a manufacturing area?

A. No. Scarboro has no zoning by-law now.

Q. How did they get in, if it was not zoned?

MR. NEWBURY: Is that up near what is known as the "Golden Mile"?

THE WITNESS: It is just south of Eglinton.

BY MR. BRANDON, Q.C.:

Q. Scarboro does not have a master plan?

A. No.

Q. It was just approved by the Council?

A. It was contrary to the by-law, and that is how we expect to get around this thing.

BY THE CHAIRMAN:

Q. You have a new Reeve out there now?

A. Yes.

BY MR. ELLIOTT:

Q. And you also have a new committee set up for

Metropolitan Toronto. It seems to me that would be the place to take it.

THE CHAIRMAN: Many of these gentlemen are not aware, Mr. Elliott, that the Metropolitan Council has taken over the matter of air pollution and smoke control as of January 1st, 1956.

THE WITNESS: In the Metropolitan area?

THE CHAIRMAN: Yes. We had a representation from them today, and we are going to assist in any way we can.

MR. ELLIOTT: They propose legislation just to take care of a situation such as this.

THE WITNESS: I believe our application is in.

BY MR. ELLIOTT:

Q. Is it not true this proposed legislation would take care of a situation like this?

A. You recommend we take it to the new Metropolitan Committee on smoke control?

THE CHAIRMAN: Yes. They have not said anything definitely as yet. They are anticipating some legislation from the recommendations by this Committee, and will carry on under the Toronto by-law until such time as there is a change.

I would suggest you take it to the Metropolitan Smoke-Abatement Committee. However, it is perfectly

alright for you to come here. That Committee was not in existence until the 1st of January, 1956. They have only been going for two or three weeks.

MR. MURDOCH: In view of the fact that we hope to report on some part of our deliberations, we propose to recommend legislation to allow Metropolitan Toronto to take care of these things, especially in view of the fact that we have some indication from hon. Mr. Marler that we would receive some consideration, and I think your problem could then be solved to some extent.

However, I would like to point out something which has not been indicated before, and that is this; that in our Department of Planning and Development, for many years we have tried to encourage municipalities to take advantage of our Planning and Development legislation, which has carefully zoned some areas for industry, and some areas as residential property.

However, we have to have authority from the Legislature, and what we had was permissive legislation, and some took advantage of it and others did not.

It seems to me to be an apparent mistake that the municipalities did not take advantage of this zoning legislation, and actually come within the scope of our regulations of the Department of Planning and Development,

so that such a thing as an asphalt plant being allowed in a residential area would just not happen.

It seems to be the case that we are simply dealing with this problem, after it has happened.

MR. BELYEA: Mr. Chairman, many of these companies claim they have not sufficient equipment, or they do not know about it.

The Warren Bituminous Paving, in North York, was in trouble a short while ago, but, being good neighbours, they are putting in at the present time, highly-efficient collectors in their plant. It is costing them \$10,000 or \$12,000, but in view of the scope of their operations, they do not consider it excessive, and, to my knowledge, that is the first type of high-efficient equipment in Ontario.

And I know it will work, because it is a copy of the equipment used throughout the United States.

MR. BRETZ: That is encouraging. I think this goes back to our previous Council. For the last eight years, we have not been able to force a master plan of any kind. We have objected time and again to the way the zones have been desecrated.

This asphalt plant is there by virtue of a by-law which exists in the Township. This railway land was owned by them, but if there had been any kind

of a master plan, it would not have allowed the housing to go in there so close to it.

But we finally convinced the people of the mistake that was made over the years, and why the people were suffering.

The same thing is going on with the asphalt plant. Fortunately, things are being changed now, as you no doubt know.

MR. NEWBURY: Is there an air-pollution by-law in Scarborough?

MR. FORBES: I was talking to one of the Township solicitors the day before yesterday, and he advised me there was an anti-smoke by-law, and he quoted me a number, and he told me that he was mailing a copy to me. However, up to this time, I have not received that copy.

MR. NEWBURY: If this by-law contains a ^{dust} content restriction, it is based on the A.S.E. restrictions from the United States, of 8.5 per yard of gas, and a small cyclone, which they apparently have on the kiln.

I happen to know the Warren situation, but it was not sufficient to improve the situation. So if the by-law exceeds that 8.5 pounds of dust in it, I think the local Council have a perfect right to insist on more efficient means being put in.

THE WITNESS: I might through you, Mr. Chairman, answer the gentleman. On Monday afternoon, at a Council meeting, I asked Mr. Hollis Beckett, Q.C., the Township solicitor, three questions.

I asked him if we had a smoke or air-pollution by-law, and he said "No".

I said, "Do we have any by-law in any formative stage at all?", and he said, "No".

I said, "Has Council ever, to your knowledge, considered a by-law of this kind?". He said, "No".

I said, "I believe our Council has been very lax on this", and he suggested I write in a request that a by-law be drawn up, but, as you say the Metropolitan is going to take this over, it seems to me anything that is along that line, if taken up with our Council at the present time, would be a little out of line.

MR. ELLIOTT: The Metropolitan is asking for that, in this section.

MR. WILKERSON: They just give Metro the power to do anything that will be of help.

MR. ELLIOTT: They are going to ask for it.

HON. MR. KELLY: I think Metro, in asking for power to do away with railway smoke -- that power stems from the Board of Transport Commissioners in Ottawa,

and not from this body, nor from this Legislature.

MR. WILKERSON: This is only covering smoke, rather than anything else. They had two cement mixing machines, one a Cord, and the other the Canadian Building. That is mixed with this particular smoke from the asphalt plant out there, and I am happy to see that the provincial government has taken steps to do something in the Metropolitan area.

I want to say that I think the stuff that is mixed in with the smoke, is as bad as the smoke itself, as far as health is concerned. Will it cover such a thing as that?

THE CHAIRMAN: Yes.

MR. WILKERSON: Will Metro have the power to enforce this by-law?

THE CHAIRMAN: I think I can assure you that any recommendation made by this Committee to the Ontario Parliament will be effective with the Metropolitan by-law.

MR. WILKERSON: Over the whole area?

THE CHAIRMAN: Yes.

MR. WILKERSON: So if the Township Council passes a little by-law which is not efficient, the over-all by-law will clean that up?

MR. MURDOCH: When this Metropolitan Toronto

Committee is established, it will not be necessary for you to deal with anybody but the Metropolitan Commission, as it were?

MR. FORBES: I would like to add that these engines are simply standing there, emitting smoke.

I have been down to the Canadian National Railways' roundhouse at Spadina Avenue, and they have an instrument on every engine to stop that, but apparently they are not enforcing it out in Scarboro.

I know they do not have to do that, because the Superintendent at the roundhouse took us around, and showed us the fixture on the engines to stop it.

If the Metropolitan by-law can enforce these things, it will be of great assistance.

THE CHAIRMAN: We hope so.

To answer your question, I am sure that as far as the Metropolitan Smoke-Abatement Committee is concerned, it will be governed, in a large measure, by the recommendations made by this Committee to the Ontario Parliament, and those recommendations and by-laws, if passed, will be effective in the thirteen municipalities in the Metropolitan set-up.

THE WITNESS: On behalf of the committee, Mr. Chairman and gentlemen, I wish to extend our thanks to yourself and your Committee. We appreciate what we

have heard tonight.

---The witness retired.

---The petition presented by the Cliffcrest Property Owners Association was admitted as part of the record, and is in words and figures as follows, to-wit:

" Re: The existence of perpetual smoke nuisance at Scarboro Junction yard and east, caused by the C.N.R. sidings where helper engines are uncoupled and fires restoked to await further trains; combined with the EXISTENCE of an asphalt plant intensifies the health hazard to a community of 10,000 people in a two square mile area.

Gentlemen:

 We respectfully request that your Select Committee at your earliest convenience investigate by means of smoke tests and other necessary means, the alarmingly increasing hazard created between Midland Ave. on the west to Bellamy Rd. on the east, from the C.N.R. tracks south to Lake Ontario laid out on the enclosed map.

 We feel that the steadily increasing output of the Hagersville Asphalt plant on Brimley Rd. along with the greater volume of standing engines necessary to C.N.R. traffic at this point have created a terrific hazard to the health of our community, as well as making it very difficult for the housewives to dry a washing at any time of the day or night.

" The prevailing winds are from the west and all homes south of Eglinton Ave. are perpetually blanketed with a heavy pall of smoke as a result of the use of soft coal, diesel and industrial oils.

We therefore ask your early consideration on this matter and trust that you will be able to alleviate the menace."

THE CHAIRMAN: I might say, for the benefit of the people here tonight, that we made this arrangement so that the taxpayers and citizens who were unable to appear before our Committee during the day, might have the opportunity of coming in the evening, and it just points up the fact that, as far as the Select Committee on Air Pollution and Smoke Control is concerned, we want every citizen to have an opportunity to appear before us, whether during the daytime or during the evening. We are always easy of access.

Now, we have a group from the St.Clair Maybank Ratepayers Association, represented by Mr. Tromans, and Mr. George Moss.

M R. B. S. T R O M A N S,

representing the St.Clair Maybank Ratepayers Association, appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: I did not quite understand the meaning of this meeting, so I did not come prepared.

As you know, I have been on the Smoke Committee for eight or nine years, not only in my particular district, but in the districts north and south of us, that is, north and south of Dundas, south being known as "South Runnymede" and north being known as "North Runnymede".

Of course, our big complaint is with the roundhouse.

BY THE CHAIRMAN:

Q. That is the Lambton roundhouse?

A. Yes, and in the vicinity. When I say the "vicinity of the roundhouse", I mean engines on the tracks outside. Some of them are dieselized up there, too, but it seems to be a case of firing up there. When they send a diesel out, they bring in another steam engine from someplace else. It has worked out about even in the last five years. We have no less smoke, even though we have more diesels.

BY MR. BELYEA:

Q. Where is this Lambton roundhouse?

A. At Runnymede. I believe it was four years ago three associations prepared a petition --

BY THE CHAIRMAN:

Q. Will you name them?

A. The North Runnymede, the South Runnymede and the St. Clair Maybank Ratepayers Associations. We prepared a Bill to be taken to Ottawa by

Mr. Adamson, who has since died. He took it to the Federal floor, but it only passed first reading, and was then thrown out.

We have come to the conclusion that although we have had several meetings with the Canadian Pacific Railway--and we have even included other associations, which go back as far as Weston -- we have not yet "got to first base" with them, and we feel fully convinced we have an out-moded and out-dated smoke by-laws throughout the entire country which need changing by the Board of Transport Commissioners. I do not think any meeting such as this, will get any place except by changing the smoke by-laws.

I did not come prepared to say anything else.

THE CHAIRMAN: Mr. Tromans, being familiar with that situation out there, I know that recently the Canadian Pacific numbered the stacks on the Lambton round-house, and the reason for numbering them was so that individuals in the district could call in and say, for instance, "Stack No. 3 is sending out smoke; why is that?".

Would you care to comment on any changes which may have been made since these stacks in the round-house were numbered? Has there been any change since that time?

THE WITNESS: At the time that was put into

effect, I think the law allowed for six minutes from each stack, that is, they could not blow off the smoke for any longer than six minutes in an hour.

However, that applied to each stack, so that there was really a continuous smoking, and while the smoke inspectors seemed to be doing their job, the smoke was becoming terrible.

BY THE CHAIRMAN:

Q. When was that?

A. That was approximately two years ago. Now you cannot get a smoke inspector on the telephone. They are always busy, or out in the yard, or some-place where they are not supposed to be, and you just cannot get them. I have tried, my wife has tried, and several neighbours have tried, but you simply cannot contact the smoke inspectors.

BY MR. MURDOCH:

Q. What district is that?

A. In Toronto.

THE CHAIRMAN: The Lambton roundhouse is across the street from High Park riding.

MR. BRANDON, Q.C.: It is in York-Humber.

THE CHAIRMAN: About twenty-five feet from High Park, and it so happens that the prevailing winds bring the smoke into our district.

I have been meeting with Mr. Tromans and Mr. Moss on this problem, so I have a very complete understanding about it.

I know that when he says there has not been a change -- you will recall when we were in Ottawa on Tuesday, talking with the hon. Minister, somebody raised the question of the Lambton roundhouse, and I was quick to assure him there was no change.

If Mr. Tromans cares to talk with the housewives in the district, I think he will get some pertinent information, and I would like him to do that. If he does that, he will know there has been no change.

Also, I would like him to comment on what happens after nightfall.

THE WITNESS: Of course, it is our wives who keep this thing going. One thing is in regard to the clothing. It becomes simply a mess with a north-west wind, or a west wind, and when there are a number of trains, or engines on the tracks, the smoke stretches right down to Keele Street and Runnymede at times.

As you probably know, Mr. Chairman, it is almost impossible to hang clothes on a line, and bring them in clean.

Another major factor, not only for the housewives, but for us, is that we have to pay for cleaning

and painting the houses, and putting the eavestroughs up. I do not know whether you know it or not, but iron is affected by soot. It will eat right through it, and I think the average life of an eavestrough is only about three or four years. I do not mean they will disintegrate but they will start to leak, that is, the down spouts, and the eavestroughs.

BY MR. ELLIOTT:

Q. How long do they last?

A. Four years in that district, and they are well painted, too.

Q. Inside and out?

A. Yes.

Q. Do you paint the eavestroughs on the inside?

A. Yes.

Q. And they only last three or four years?

A. Yes.

Q. Normally, they should last for twenty years.

A. Yes, but not in that district. The down spouts last longer, because the water comes down and takes the soot out of it. It has been our experience that these eavestroughs only last perhaps for a period of three or four years. Painting is required yearly, and even then, the houses look in very miserable shape, because you cannot get a good painting job done, because

you have to burn off the former paint, and that is not a very cheap thing to do; in fact, it is very expensive.

Q. And you have to do that every year?

A. Yes. For instance, if you are using a cream-colored paint, it turns out to be a sort of brownish cream.

Q. And you cannot wash it?

A. It will make it a very nice yellow, if you do.

BY THE CHAIRMAN:

Q. Are there any diesels out in the Lambton roundhouse now?

A. Yes. There were thirty-seven at the last count we had. But when they replace the steam engines downtown, we get the steam engines at Lambton, and it is worse than ever. They say they are wearing out at the rate of seven or eight a year -- that is, the steam locomotives -- but even so, we are getting seven or eight more from someplace else, so the number of steam engines is not depreciating to any particular extent.

We took that up with the Canadian Pacific Railway, and they said it must be depreciated over all, and yet, at the same time, they told us that business

was increasing, so it is taking more engines at the Lambton roundhouse to do the switching.

BY THE CHAIRMAN:

Q. Would you care to tell the Committee from what areas these engines come into the Lambton roundhouse?

A. Practically all from down town, which has been dieselized.

Q. And from other areas in Ontario?

A. As far as I know, they come from as far away as Sudbury, from Hamilton, from New Toronto, and from the eastern lines, at places like Belleville and Kingston.

That is the information we have been able to gather.

Q. They are all freight engines?

A. No, not necessarily so. Some are on passenger trains now. They get very modern steam engines, which are very fast, but they still get the steam engines.

BY MR. MURDOCH:

Q. I presume it was known for a long time that the marshalling yard might be established by the railroad in that area?

A. It has been there for 60 or 70 years.

Q. I was coming to that. The roundhouse was there long before the residences were built around it?

A. Yes. We have had that question thrown at us

before.

As you know, a few years back, there was a terrific housing shortage, and for some of us that was the only place we could get houses, and we were forced to buy them. We could not rent, but it was a case of buying, so we are "stuck" with them. They gave us an option, "You either buy, or you do not live here", and if we did not live there, we would not live anywhere, which was a very important matter to a family with small children.

For myself, I wanted a house to live in.
That is why I am out there.

BY THE CHAIRMAN:

Q. Would you care to tell the Committee something about the length of time these houses have been out there?

A. I think Mr. Moss is more acquainted with that than I am.

MR. MOSS: The roundhouse was not there before the houses. The school is not very far from this roundhouse, and the school is five years older than the roundhouse. So houses must have been there to have a school. They did not build the school for the engines.

As you know, we did have a meeting at the Royal York, at which Mr. Bailey, the Vice-President of

the Canadian Pacific Railway attended, together with representatives from the Board of Transport Commissioners, and we suggested that a change be made the same as in regard to the roundhouses down town, where the smoke from the engines would all go into one stack down town, instead of twenty-three separate stacks. That is, instead of the twenty-three separate stacks, they have only one.

I asked at that time, at that meeting, how the smoke by-laws in the city of Toronto would affect us. The smoke emission was supposed to be limited to six minutes in every hour. I was told that with twenty-three different stacks, if each of them had six minutes in an hour, it would mean having continuous smoke, whereas if we had it all in one stack, we could control it **except for six minutes in the hour.**

Those who were at that meeting will know the only satisfaction we got at that time was they were going to put some smoke inspectors on, which they did for a matter of two or three months, and then they let them go, and the condition has gone back to where it was before.

The reason they gave us at the Royal York as to why they could not do anything -- well, there has been nothing done with this roundhouse for the last

fifteen or twenty years, not even a paint job on the thing.

We asked about this, and the information we got from Mr. Bailey was that there would be no steam engines inside of five years. But in that five-year period, I would say instead of having less steam engines, if anything there are more than there were at that time.

MR. ELLIOTT: There are no diesels up there at all?

MR. MOSS: There have been a few diesels in the yard.

BY MR. ELLIOTT:

Q. Some do come in?

A. Yes.

Q. Have they improved the situation, do you think?

A. I do not think they have, but I really cannot say, because I have been so busy, but it seems to me we still have as many steam engines as we had before, taking the place of the diesels.

Q. You heard a little while ago that a diesel was as bad as steam?

A. I did not hear that. They may be a little more noisy.

BY THE CHAIRMAN:

Q. They are not too dirty?

A. No.

BY MR. MURDOCH:

Q. We heard, when talking to the Board of Transport Commissioners, that perhaps the province could take measures from a health standpoint. Was anything like that mentioned to you by the Board of Transport Commissioners?

A. No. At that particular meeting, Mr. Bailey seemed to sway the representatives of the Board of Transport Commissioners by saying that the roundhouse was only to be a temporary affair, and it was not worth spending \$500,000 on it, to fix it up.

With the smoke there, as I say, it is impossible to put a washing out. If you leave your car out at night, you can go out in the morning and scrape soot off it. I am not "kidding"; there are hunks probably three-quarters of an inch in diameter.

BY THE CHAIRMAN:

Q. Mr. Tromans, would you care to comment on the fact that the air pollution and smoke is worse during the dark hours than it is during the light hours?

A. Oh, yes. Probably that is because they figure there is nobody watching them. People are sleeping at that time.

BY MR. ELLIOTT:

Q. Do you remember this afternoon when Mr. Kent

was here, the Deputy Solicitor of the city of Toronto, asking for some amendment to the Municipal Act, which would give the city the power to clean this up in the very near future, independently of the Transport Board.

I believe there will be certain powers given to Metro and the city of Toronto, which would provide them with the necessary power so that in the very near future, it could be cleaned up.

This was discussed this afternoon, and I think the by-laws will be before the Legislature in the next couple of months.

BY THE CHAIRMAN:

Q. Mr. Tromans, as you may or may not know, the matter of smoke control, as of January 1st, 1956, has been taken over by the Metropolitan Council, and they will have jurisdiction over the thirteen municipalities, and instead of a budget of approximately \$20,000, such as the city has, the Metropolitan Air Pollution and Smoke Control Department will be working on a budget of about \$200,000.

As we all know during our many discussions on the matter, the question of money has been most important.

I just wanted you to know the proposed difference

in the financial status of the new Metropolitan group.

A. That is right, Mr. Chairman, but as long as you treat one locomotive as an individual smoke stack, you will have trouble. We must have it so that whatever by-law comes into effect, will treat the roundhouse as a building, and instead of each engine having an individual smoke stack, you will have one smoke stack for the entire building, because if each one is individual, even if they are allowed only six minutes out of an hour, that is, each one of them, you will still have continuous smoke, because there are so many stacks.

MR. BRANDON, Q.C.: Mr. Moss, do you say that the smoke is as thick there today as it was five or ten years ago, or has there been any improvement?

MR. MOSS: I would say at the present time it is just the same as it was five or six years ago.

THE CHAIRMAN: Mr. Moss lives within two hundred yards of the roundhouse.

MR. BRANDON, Q.C.: Have you noticed locomotives on the siding with their smoke stacks capped recently?

MR. MOSS: Yes. When you get a certain amount of steam up on a locomotive, it is pulled out into the yard, and then the steam is brought up to a certain highth in the air, and you have smoke coming out of the engine, and some is in the roundhouse.

MR. BRANDON, Q.C.: No, I mean the locomotives with the smoke stacks covered with a cover over the stack, like a tarpaulin, all wrapped around it?

MR. MOSS: I have not noticed any of them for two or three years. There were at one time seven or eight of them.

MR. BRANDON, Q.C.: Have you noticed any there in the last three months?

MR. MOSS: No.

MR. BELYEA: In answer to Mr. Moss's question about the continuing smoke from different stacks; any ordinance has a special clause in it, and there is always a nuisance clause, so that a company is prohibited from committing a nuisance in the district, and if the municipality has the ordinance properly written, they can take some action on that.

I appreciate this problem. I saw the problem, and I left High Park and moved out into the country.

THE CHAIRMAN: Mr. Moss, there is one question I want to ask. Do you feel if the Lambton roundhouse was housing diesel engines, instead of coal-burning locomotives, would the problem be pretty well solved, as far as you are concerned?

MR. MOSS: I would think so, Mr. Chairman. I cannot give you a definite answer, but I would think so.

MR. MURDOCH: I think it would be fair to mention that a great many people who, at the present time, are suffering from smoke, believed that diesels would bring them some sort of relief, but they found they still got the bad effects from the emissions of the diesels. That could happen.

Is that not right, Mr. Chairman?

THE CHAIRMAN: Yes.

MR. MURDOCH: We do not believe that the diesels will provide a solution.

MR. MOSS: No, but I think anything would be an improvement over what we have at the present time.

THE CHAIRMAN: Did you notice the people out in that area -- and I may say that I live out in that area, and am as familiar with it as you are -- I am asking if you do not feel that people are suffering from colds, asthma and respiratory effects more than in any other area?

MR. MOSS: I do not know anything about that, Mr. Chairman.

Of course, in the district we have out there, with the amount of coal and eye irritation -- well, I do not think we have any effects like that.

MR. NEWBURY: Would you say your gardens are affected in any way? Have you any question but that

the gardeners there are having trouble in growing any particular type of plants?

MR. MOSS: The vegetables do not grow to a very large size, but that might be due to the ground being used for a number of things.

MR. NEWBURY: Do you find that lettuce, for instance, is burned on the leaves?

MR. MOSS: Yes, they are inclined to burn to a yellow colour.

THE WITNESS: Mr. Chairman, you mentioned that Metro might have power to change these things. How are they going about it? Are they going to approach the Board of Transport Commissioners?

THE CHAIRMAN: I might correct that situation, and say that as soon as certain recommendations from this Committee are adopted, the Metropolitan Council will have more authority over nuisances than they have today.

THE WITNESS: If they are adopted, are they going to Ottawa to try and change the minds of the Board of Transport Commissioners, about this smoke situation?

THE CHAIRMAN: I think I can tell you that the new Metropolitan Air Pollution Division will await the recommendations from this Committee, before they do that.

THE WITNESS: The only reason I say that is, that you know as well as I do, Mr. Chairman, that the steamships and railroads are more or less a law unto themselves, as far as smoke is concerned.

THE CHAIRMAN: I agree with that.

THE WITNESS: Unless you can bring it to a head. We have come up against so many obstacles in Toronto in regard to this smoke proposition, that we are fully convinced unless you can get that far on it, there is no solution for it.

MR. SHERRY: Mr. Chairman and gentlemen; I want to speak on the same subject.

I live at Jane and St. Clair, and I am away from the roundhouse.

Now, I will give you something. I just put in new storm windows on my house, and the soot even comes inside of the windows, and lands on the window ledges.

MR. ELLIOTT: Through the storm windows?

MR. SHERRY: That is right.

MR. ELLIOTT: Are they aluminum windows?

MR. SHERRY: They are tight -- supposed to be; they are guaranteed.

My wife is the caretaker's helper at the George Symes School, and we have to wash those windows,

and the seats and chairs in that school about twelve times a year. The children are sitting on dirty seats.

How would you like to have a little boy or girl coming home, after sitting on dirty seats in school all day?

They are playing in the school yard, and their hands and faces become dirty, and then they have to go into the school. That is at Jane and St. Clair.

I do not think it all comes from the roundhouse. It may come -- some of it -- from the engines outside the roundhouse.

MR. ELLIOTT: On the main line?

MR. SHERRY: No. We are back from the main line. These engines take the trains back off the road, and they fire up with coal, and they are simply loaded with coal smoke, which is continually belching out.

If you go along St. Clair Avenue and look at the houses, you will see that they all need some paint. You cannot walk along there in the summer time -- or even in the winter -- with a white shirt on, from Runnymede to Jane Street, without having it all soiled.

The women have to put up with all that. It is alright for the men, because they go out to work, and come home, and sit in the houses and read or look

at the television.

MR. MURDOCH: Does he now?

MR. SHERRY: The women have to do the washings.

MR. ELLIOTT: I think Mr. Sherry is quite right. I think I know the area as well as anybody.

MR. SHERRY: I think it is important that we should make some attempt to clean it up.

MR. BELYEA: If you have communicated directly with the railways, what was their reply?

MR. SHERRY: I have just taken over the Presidency of this Association. I believe they have.

MR. BELYEA: What have the railways said?

MR. SHERRY: I cannot say. I have just taken over the Presidency, and I have come here to try and get something done to get rid of this smoke condition.

It is not from the roundhouse. It is from the engines going to the roundhouse, and coming from it. The southern part gets it more than the others.

MR. ELLIOTT: Is there any other industry which might cause smoke, too?

MR. SHERRY: No.

MR. MURDOCH: We have taken this up with the railway officials, and they have assured us they are going to dieselize as fast as they can --

MR. SHERRY: You are wrong.

MR. MURDOCH: I am not wrong in that respect.
The railroads may be wrong.

MR. SHERRY: They have not done a thing in the past twelve years to stop it. A gentleman said, "Did you ever see any engine on a siding with a cloth over the top?". Sure, those are the ones which they are scrapping. They are the ones which will be condemned.

MR. ELLIOTT: They are using diesels in the west, where the oil is cheap.

MR. SHERRY: If you gentlemen do not live out that way, you cannot appreciate it coming down there very much. But if you live out that way, you know it very well.

MR. ELLIOTT: I lived on High Park Avenue, and I know it is pretty bad.

MR. SHERRY: That is why I am here tonight, to try and fight for it. Even the school children^{who}/play in the schools yards get their hands and faces very dirty, before they go into school.

All you have to do is to drive up there, and put your hand on the cement. The children have to sit in school, with all that dirt on them, and it is not very nice.

MR. HICKS: We have the name of having the

dirtiest school in York Township, and I think I will "go along" with that. When I look at the school, I am ashamed of it, but we cannot do anything about it, because we live in that district.

I think if you have any power at all, you will help us out in that district.

THE CHAIRMAN: When we were in Ottawa on Tuesday, talking with the Board of Transport Commissioners, they indicated to us they were under the impression that the Lambton set-up had cleared up, and everything was "hunky-dory".

Would you care to comment on that?

MR. SHERRY: As you know, in the past, the three organizations had a joint smoke committee for two or three years, and they were just pounding on the door of the Canadian Pacific Railway all the time.

I would like to answer the gentleman over there (Mr. Belyea) as to what sort of communications we have had with the Canadian Pacific Railway.

We have written them numerous letters, and received no replies.

We have met with Mr. Bailey, the Vice-President of the Canadian Pacific Railway, and we have had discussions with Mr. Kane, who is the Regional Superintendent, but we always get the same answer I mentioned

tonight. They say they are going to dieselize it.

I imagine they will, some time.

MR. BELYEA: Have they given you anything back in writing?

MR. SHERRY: Oh, yes.

MR. BELYEA: You have found out that what they have written on paper has not been done?

MR. SHERRY: That is right. They have said they have put a steam jet in the smoke stack of the engine, which will condense the smoke. Perhaps they have, but it does not seem to make much difference.

After all, the roundhouse has been there for thirty or thirty-five years. Everything else in the country has been improved in that length of time, yet in the whole thirty or thirty-five years, there has not been anything done as far as the smoke abatement is concerned, except possibly putting a jet in the smoke stack of the engines.

Down in Montreal, as I understand it, there are no steam engines allowed within the city limits of Montreal.

THE CHAIRMAN: I would like to correct that.

MR. ELLIOTT: That is not true.

THE CHAIRMAN: There are steam engines allowed in the down town area in Montreal. We found that out in

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Ottawa. As a matter of fact, up to that time, we also had been under that impression.

MR. SHERRY: The last time I was in Montreal, the diesel or an electric engine took us out, and when we got around Dorval, a steam engine was hooked onto the train. I know that happened, because I was on the train.

At the same time, in the city of Toronto, the Canadian National Railway roundhouse has its smoke stacks going into one large stack, and they have screens to help control the smoke, which might not be a perfect cure, but it definitely would be a help.

I mentioned that to them, and they said it would cost in the neighborhood of \$500,000, and they said it would not be worth it at Lambton, on account of the short time the steam engines would be in Lambton.

That was at least five years ago.

THE CHAIRMAN: Are there any further questions to ask of Mr. Tromans or Mr. Moss?

THE WITNESS: I would like to answer one question about the effect of smoke on people. I know it does affect hay-fever sufferers and asthma sufferers. We know that through doctors, and we can get certificates to that effect.

THE CHAIRMAN: Are there any further questions,

gentlemen? (No response).

If not, I wish to thank, on behalf of the Committee, the St.Clair-Maybank Ratepayers Association and associated groups.

THE WITNESS: I would like to thank this Committee for listening to us.

THE CHAIRMAN: I assure you it was a pleasure.

---The witness retired.

---The St.Clair-Maybank Ratepayers Association's delegation retired.

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M R. A L B E R T T O L L E T T,

of the Tom Foster Estate, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. Where is that area?

A. In Riverdale riding.

Mr. Chairman, I have a little literature here, but I would like, first of all, to speak of the nuisance.

At the commencement, it was known as the "Wirebound Box Company", and was located at 1000 Gerrard Street East. Recently, it changed its name to the "Bathurst Power and Paper Company".

First of all, if I can make myself clear,

although I am not an orator --

BY THE CHAIRMAN:

Q. Have you discussed this problem with your member?

A. Yes. I have the data here, if you care to read it.

This (indicating) is from Mr. Waters, the Alderman to whom we have written, and also to Mr. Woods, the Commissioner of Property, from the City Hall, and there also is a letter from Mr. Sutcliffe, the Manager at 1000 Gerrard Street East, and also a letter from Mr. Richardson, the Chief Engineer, and also my replies to those various letters.

First of all, I live on the north side of Gerrard Street, running north on Marjorie. It is a blind streets, which includes 18 houses, I would estimate.

BY MR. ELLIOTT:

Q. Nine on each side?

A. No. On the opposite side of the street is the Wirebound Box Company.

On the west side, when it was the "Tommy" Foster Estate, it was a vacant lot, and they had a small coal company which belonged to Evans, which was no nuisance whatsoever. After Mr. Foster died, he gave his tenants the opportunity of purchasing these homes if they had

lived there for five years or more. That was in his will.

I was one of those who purchased a house, or my wife did, during my time overseas. But we will forget that.

We are coming to the point of the nuisance. They were going to erect a series of offices on the west side of the street, but instead of that, they built a boiler room, which contains two water-cooled boilers.

They also erected their mill, which is sitting directly in the centre of their property, and a duct which brings the sawdust from the mill, and they bring it through a vacuum to draw the sawdust, to avoid the Hydro, which they use for fuel to generate their own power.

Sometimes this chute becomes blocked, and if you never saw a nuisance like it, you should come down and see it for yourselves.

So we wrote a letter to Alderman Walters, who is the only person who has done any good at the moment. I do not want to bring in any names; I am not a disturber of the peace, but I have had officials from the City Hall down, and I would like to take you into my house and show it to you.

We must not forget there is an arc on this, with an opening, so when the sawdust goes down into the chute, it must have a vent, and with a west wind, it blows the sawdust completely all over the whole area.

That is one nuisance.

Now, let us come to the smoke nuisance or steam. The city of Toronto cannot cope with the disbursal of the sawdust, so what do they do? My house is directly opposite this nuisance. Mrs. Mahon suffers, and so do all the neighbors.

All night long, they have an engineer there -- fourth class, I presume; although I just cannot tell you that -- specifically to burn the remainder of the sawdust which they cannot burn in the daytime, with which they are creating the steam pressure which is required for a safety valve to go off, and all night long you never heard such a noise. If there is any doubt in your mind, I wish you would come down and see it. It goes on all night long. It blows the excess sawdust, because they have to have an outlet for it.

They are working over-time spasmodically at night, and when the saws are in operation, with the vibration of the dynamo, it shakes that stuff all over you, even if you happen to be sitting on your toilet; it will even shake you on that. It is like

a bear in a zoo; I imagine you have seen them on occasion.

This situation occurs even when you are sitting on your toilet.

BY MR. BELYEA:

Q. How far away is that noticeable?

A. I am not exaggerating when I say 30 feet. My house is here (indicating), and the noise is no more than 30 feet away.

Q. Well, would it be 100 feet or a quarter of a mile?

A. They hear it on Galt Avenue, which is another 150 feet away. They even hear it farther than that, but we get the whole brunt of it.

BY MR. THOMAS (Oshawa):

Q. You might have trouble in selling your property?

A. I doubt if I could sell my property, and it would do your eyesight good to come down and see it. I live at 93 Marjorie Street.

Q. Is that noise sufficient to keep you awake, to prevent you from sleeping?

A. I will say very much so. But there is no use simply talking about it, I would sooner you would come down and see it for yourselves, and then you would

see just what the condition is.

Now, let us go into details of going to every Alderman in the Ward, and endeavouring to have the higher officials there. We will forget their names, but let us come to one person in particular I more or less admire, and that is Alderman Waters, He is the only one who has ever done anything for us. His name is Alderman Kenneth Waters, and his address is 445 Danforth Avenue.

On November 23rd, 1955, a letter was written to him by Commissioner Wood, which reads as follows:

"Alderman Kennth G. Waters,
445 Danforth Avenue,
Toronto 6.

Dear Alderman Waters:-

With further reference to the subject above noted, in respect to which you requested immediate action be taken, I attach hereto copy of self-explanatory communication received from the Bathurst Power and Paper Company Limited, dated November 21st.

Yours truly,

(signed) 'J. H. Wood'

Commissioner"

Embodied with that was some literature I have written, in which I definitely called them "falsifiers", as you will understand in a few minutes.

This (indicating) is a copy of a letter from the Bathurst Power and Paper Company Limited, dated November 21st, 1955, addressed to Mr. J. H. Woods, Commissioner of Property, City Hall, Toronto, and reads as follows:

"Dear Mr. Woods:

I have your letter of November 15th, 1955 re complaint from the residents of Marjory Avenue, north of Gerrard Street east, on emission of sawdust from our cyclone.

When your representative called on us Wednesday, November 9th, 1955, I immediately went over to our power plant with him, and found conditions such that I did not blame our neighbours for complaining.

The combination of wet weather, and a large volume of sawdust going to our power plant, had caused cyclone to block up, by the time we were aware of this condition, and got the fan shut off, sawdust had blown all over the area. Our Chief Operating engineer immediately put a gang of men on cleaning this sawdust from the area.

I am attaching to this letter a copy of a report from Mr. Richardson, our Chief Operating Engineer, which I thought would be of interest to you, and will explain some of the conditions, which also aggravated the nearby residents.

We are greatly concerned over the seriousness of this condition, and are taking steps to eliminate as far as possible the chance of one of our cyclones plugging up again. As most of these seem to plug up late in the afternoon, we have put an extra employee in our power plant starting at 4.30 p.m. to assist our engineer in watching the bins, to see that shavings do not arch over and run down into bin, thereby building up to the outlet and causing a blow over, or that wet shavings do not block up the cyclone outlet. He also watches the level of sawdust bin so that it does not get too full and plug up or blow sawdust out on top of cyclone.

In addition to the aforementioned, our Plant Engineer is studying our Power Plant Operation of cyclones and storage bins to determine if there is any other method of improving on it. I have also had a conference with all our personnel directly concerned with this operation, and they

are giving it very strict attention, to eliminate cause for complaint.

Again, may I say that we fully realize the seriousness of this situation, and intend to take every possible step to correct it. We would appreciate any suggestions you may be able to give us to eliminate these complaints."

That is the only time he has ever contacted our Alderman, or if he did previously, the other Alderman never came forward to help us out.

In regard to this situation, it has been going on for years, and they have done nothing yet.

As I say, that letter was addressed to Mr. Woods, Commissioner of Property at the City Hall, Toronto.

BY MR. THOMAS (Oshawa):

Q. Has it plugged up since that time?

A. Yes.

I do not want to take up too much of your time.

THE CHAIRMAN: Take all the time you want, Mr. Tollett.

THE WITNESS: This (indicating) is from the engineer, Mr. Richardson, to Mr. Sutcliffe, and is dated November 17th, 1955:

"With reference to the recent trouble caused to residents of Marjory Avenue, through the overflowing of the cyclones in the Power Plant.

I will go back to the first week in November.

"As you are no doubt aware, we had been, for a long period, on friendly terms with these people."

That is a lie, and I do not believe in telling lies, but that is a lie.

The letter goes on:

"I had impressed upon my staff the necessity of avoiding any undue noise, such as blowing off of safety valves, or allowing water level whistles to blow, especially between the hours of 8.00 P.M. and 7.30 A.M. As a result, our relations with the neighbours became quite friendly."

That is another lie. If you come down to-night, I will give anybody a \$10.00 bill if they will sleep one straight hour in my front room.

The letter goes on:

"During the week of November 1st, the Henry Construction Company began to erect a new service station for Imperial Oil at the corner of Gerrard and Marjory, just south of our Power Plant, they brought in a vertical coal fired boiler and a pile driver.

The next day one of the residents came to me and complained about smoke and oil fumes from

the power plant. I went over to the house with him and the entire front and windows of the house were coated with a black smudge. I explained to these people that this did not come from our plant, and they agreed with me. However, some of the residents did not take it so kindly and registered a complaint against the Power Plant.

The Pile Driver and Boiler were removed on Friday afternoon. On Monday morning the Inspector from the Smoke Abatement Branch came in to see me and I explained that the source of the trouble had been removed. The deposits on the houses were definitely caused by the operation of the Pile Driver.

Naturally the residents were up in arms, and it was unfortunate that just at this time we had a spell of wet weather and a heavy amount of sawdust resulting in a carry-over in the cyclones.

I tried to keep the peace by having a gang of men clean up the yards, verandahs, sidewalks, and in fact, the whole street, but the trouble from the pile driver had upset my relations with my neighbours and they were out after me.

The opportunity came on Wednesday, November 16th, at 4.15 P.M. when wet shavings clogged the cyclone. I went up with 2 men to clear it, but before we could get the roof cleaned off, the wind rose to gale proportions and at one time we had to lie flat on the roof to avoid being blown off.

On top of the trouble which we had managed to clean up, this was a headache! We again had a sprinkling of shavings which has now been cleaned up.

I am taking drastic steps to ensure that there will be no repetition of this trouble. Extra men are on the job now checking and keeping the levels down. We are planning changes on the mechanical control, and if we find it necessary, will fit the cyclones with screens.

This has been an unfortunate incident and I feel it personally, as during the past two years my relations with my neighbours has been very friendly. I had done everything to create this feeling.

I still feel that the trouble from the Pile Driver was the cause of a lot of our troubles.

You may rest assured that everything possible will be done to eliminate any future trouble. After

all, these people are my neighbours."

I do not want to go into details, and you can read it again for yourselves.

That was sent to Alderman Waters, and he was good enough to send it on to me, and my meager reply to him was as follows, dated November 30th, 1955:

"

Re: Sawdust and other nuisances at
and from the Bathurst Power and
Paper Co.

Alderman K. Waters,

445 Danforth Ave.,

Toronto 6.

Dear Alderman Waters:

Before I go into details of the correspondence from the Bathurst Power & Paper Co. Limited in regard to sawdust nuisance, I would like to 'first' thank an Alderman that has finally done something to aid the people of Marjorie Avenue.

It does give a person the greatest of feeling to think that an elected person, 'of whom I did give a vote to' is helping us, to shield our property from some other person without going it alone.

Now, Mr. Alderman, these letters are crammed full of falsehoods, one especially about being

friends with the people on Marjorie Ave. I have been out to the night engineer and have been insulted trying to stop them from building up a steam pressure to keep on blowing the safety valve. First of all, let us view the cause of this nuisance.

The mill of which they manufacture so much refuse -- or sawdust -- has to be disposed of, so instead of throwing the excessive waste to a city dump, or an incinerator, of which the city dumps and incinerators, could not cope with, they burn it in these water tube boilers, of which is their means of fuel to operate the dynamo for electricity to run their plant. But they get far too much fuel, so what do they do? They have a third or a fourth class engineer on night work to burn this over-abundance fuel, and generate steam all night long, to blow the relief valve or safety valve, and keep neighbours awake half the night. Yes, Mr. Alderman, when they were building this oiler room, they had pile driving going on, and you can believe me, they drove hundreds of piles, and I even had city officials here, and so did the other neighbours, in regards to cracking the plaster in the rooms of my house and theirs.

Now, lets get to the sawdust nuisance, of which they claim had a gang to clean this mess up, they had one man at intervals, the neighbours themselves have been busy cleaning up their own walks and side entrances, window sills, etc. And this being the 30 of Nov. at 4 o'clock in the afternoon, I come home from my work to find it littered with fresh sawdust. It breaks a person's heart. I put all of my army gratuity and savings into buying this home, and after raising a family of five children, it would be hard to start all over again in some other locality because of someone's error in constructing this nuisance, so close to a residential dwelling.

I purchased this dwelling from the Thomas Foster Estate, and rented from him during my absence overseas in 1939 . I am sure if Mr. Foster was alive, this building would never have been erected. Mr. Alderman, I could go on and explain to you what it has done to the health of my wife who has had two minor strokes, and that alone should be entitled to a little peace and quiet, but I am sure you have heard enough.

If you would send me a copy of this correspondence from the Bathurst Power and Paper Co.,

I would be much obliged to you, as I am going to go further into the condition of my home.

Thanking you very much for your trouble in helping the neighbours in their endeavours to stop these nuisances.

Yours very truly,

(signed) 'Mr. Albert H. Tollett,'

(I would appreciate a visit from you in person).

93 Marjorie Ave.

"

That is all I have to report, gentlemen. I cannot say another thing about it, but I would wish at some time, if you have a few minutes to spare, you would come down and see it for yourselves.

Thank you for listening to me.

THE CHAIRMAN: We are very glad to hear what you have had to say, Mr. Tollett.

Mrs. Mahon, do you wish to say anything?

MRS. MAHON: I have lived there for twenty years, long before Mr. Foster passed away, and we could not acquire this property at that time, but one day three engineers came and knocked on the door, and said there would be no nuisance, and they would make the area more presentable. At that time, they used a good incinerator for the waste matter.

But now, you have friends coming down, and

perhaps they have had their car simonized, and when they go out, the car is white all over. The steam is blowing twenty-four hours a day. That is what you are breathing. If not, you are breathing sawdust. That has occurred ever since they erected the power plant on that site.

We went down to the Health Department, and we started out at the information counter, and we were told, "Oh, you have come to the wrong room:". We asked where we were supposed to go, and they said, "You must go to room so-and-so".

We spent the whole afternoon at the City Hall, and finally we got back to the information bureau, and finally we came home.

I called up Mr. Sutcliffe and said, "I am going down to the City Hall", and he said, "Do not do that; I will see the engineer myself".

The prevailing winds now are more north and west, and we get the full brunt of it.

THE CHAIRMAN: Have you contacted your provincial member?

MRS. MAHON: No. I thought it was a problem of the City Department of Health, but we could not get anyplace with them.

There is a pressure system, which is operating

twenty-four hours a day, with no let-up. The plant is running twenty-four hours a day, and it means we have that much more steam, to keep it going.

Goodness knows what will happen. I have been sweeping up sawdust and shavings until I simply cannot sweep any more.

MR. MURDOCH: How long has this been going on?

MRS. MAHON: Ever since Mr. Foster died.

THE CHAIRMAN: That was about ten years ago.

MR. TOLLETT: There was going to be a set of offices there, but instead of that they put in this boiler room.

MRS. MAHON: I cannot tell you the exact day. They came around and told us there would be no trouble, that they were going to make the appearance of the street better, but we did not get any papers signed, and this is what we are getting today.

We simply cannot go out and buy a new home anyplace else.

THE CHAIRMAN: Are there any further questions?

MR. MURDOCH: Have there been any law suits threatened against this Company?

MR. TOLLETT: I might add -- if Mrs. Mahon will excuse me -- that Mr. Waters made a statement to me over the telephone that if the nuisance was not stopped,

he was going to prosecute the Bathurst Paper and Power Company.

When Mrs. Mahon pointed out your little "ad" in the paper about this discussion tonight, I thought I had better scout around and try to get something done, but I thought I should come down here, because I feel that the members of Parliament can perhaps do more for us than the lowly Aldermen.

THE CHAIRMAN: They would not like to hear you say that.

MRS. MAHON: Our Building Inspection Department was at fault, in the first place.

THE CHAIRMAN: We appreciate your coming here before our Committee, and I do want to assure you we are sympathetic and understanding of your problems, and I **trust** our recommendations to the Ontario Parliament may help you to adjust those problems.

THE WITNESS: Thank you very much. I appreciate the Committee having listened to my story. As I told our worthy friend, Doctor Evis, I am not accustomed to coming down and creating a disturbance, but after putting up with it so long, I have had my whole kitchen replaced with gyproc lath, so the walls would not crack./

I have one son left at home -- thank God. He is twenty-two years of age, and, frankly, I am ashamed

to walk into his bedroom.

I was going to redecorate it, but I thought I would hold off and possibly I could get somebody to come down and look at it.

BY MR. MURDOCH:

Q. How many homes would you say this condition affects?

A. I cannot speak for the whole street, but I would say four houses, especially in regard to the cracking of plaster.

Mrs. Mahon lives at the end of the street, and she has told me definitely that even the pots and pans rattle in her kitchen.

I do not think I have been down to her house more than twice.

MRS. MAHON: My neighbours visited me, who had engaged a lawyer, but they got nowhere.

THE WITNESS: As I said, I cannot afford to pay a lawyer. I should not need to do that, when I am paying taxes.

MRS. MAHON: Our taxes go up every year.

THE WITNESS: I try to be a part of society, and I do not like to see it broken up. I try to be that type of person who can get along with everybody, and this is the first time I have created -- shall I call it

a "nuisance"?

THE CHAIRMAN: We understand, and we certainly wanted to hear you.

THE WITNESS: Thank you very much. I hope you can do something for us.

MR. BELYEA: Mr. Chairman, for your information, my check of lawsuits shows there are many cases which have been taken, but there have been a great number of delays in the courts.

---The witness and the delegation retired.

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THE CHAIRMAN: The next on our agenda is concerning the Melody Road Ratepayers Association. We would be glad to hear from their representatives at this time.

L A W R E N C E C H A D D O C K ,

representing the Melody Road Ratepayers Association, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. We will be glad to hear anything you care to say, Mr. Chaddock.

A. I am also representing the subdivision north of us, which is known as "Humberlea" which is a V.L.A.

set-up, and the subdivision south of us, known as "Humberview", which is located directly northwest of Weston.

BY DOCTOR EVIS (Secretary):

Q. Where does Mr. Verral fit into this?

A. He was the first man who volunteered for the job. He is with the Melody Road Ratepayers Association.

I have a short typewritten brief, which I will read to you, for your records.

I suppose the first thing to do would be to read the brief, and then at the odd times, discuss any particular items which have not been brought up.

I was President of the Ratepayers Association two years ago, and have been a member for the past four or five years, so that I am personally aware of the commencement of the following facts.

BY THE CHAIRMAN:

Q. Is Mr. "Tom" Graham, your member, in that area?

A. Yes.

Q. Have you discussed this with him?

A. Yes. They are all aware of this situation.

If I may, I will read our submission.

Q. Yes, go ahead.

A. Very well. It is as follows:

"The Select Committee on Air Pollution and Smoke Control:
Room 519,
Parliament Buildings,
Toronto, Ontario.

Gentlemen:

The executive of the Melody Road Ratepayers' Association respectfully submits the following brief on behalf of the residents of this subdivision and that of Humberlea directly to our north, and of Humberview to the south.

1. Smoke Nuisance emanating from the Booth Brick Ltd. of North York

This is a serious problem to many residents in this area. Due to the very low furnace stack at this plant, the area is continually being covered with a pall of black smoke. This, apart from its detrimental effect on health, makes it virtually impossible for residents to maintain cleanliness. The women folk of the area have a particular problem with drying laundry outdoors, and many have from time to time had to do their laundry over again due to the soot in the atmosphere.

Our Association has made some attempt previously to get effective action taken but without success as it would appear that brick factories are presently exempt from anti-smoke by-laws.

In addition, this situation is aggravated by the C.P.R. locomotives, many homes in this area being directly adjacent to the railway tracks.

2. Fumes from the Canadian Gypsum Co. Ltd.

This problem, though perhaps a little less serious than the foregoing, is particularly troublesome on days when the wind is blowing from the south. Some time ago, this matter was taken up by the Town of Weston, and the Canadian Gypsum Company has co-operated 100%. It is understood that a great deal of money has already been spent by the company on this problem and that they are still making every effort to find a solution.

We sincerely hope that your Committee will be successful in its efforts to combat air pollution and control smoke in this area."

Now, gentlemen, I have a map which I unfortunately cannot leave with you, because it is the only one I could secure.

Here (indicating) is a picture of our subdivision. This (indicating) is Humberview; this (indicating) is south, and this (indicating) is north.

It is a small neighbourhood, and you have probably read about many of these people whose homes were washed away during the flood, following the hurricane.

Now, the Humberview subdivision, just directly north of Weston, is bounded by Wilson Avenue, ^{and} directly north of Wilson Avenue, comes our subdivision, which comprises 400 homes, primarily single and double-family dwellings, bounded on the north by the V.L.A. subdivision which has another 500 homes, north of Humberview.

The Booth Brick Company is located -- at least, the stack is located -- directly at the end of Melody Road. There are in the neighbourhood of approximately 440 houses in that vicinity.

This smoke stack is no higher than 15 feet; it is extremely low. The big problem is smoke belching out of that factory. They apparently have to clean it to keep their kilns in order to cook the bricks.

I believe you people are only interested in smoke.

Q. Have you had any discussions with the Booth people?

A. Yes.

Q. But have received no co-operation?

A. No, there is a by-law which protects them.

BY MR. BELYEA:

Q. It does not stop private action.

A. It is pretty hard to take private action, when the whole thing affects three subdivisions. However, the matter has been taken up with several of the officials in North York, but it seems their hands are tied, in an endeavour to have this matter rectified.

These people do not wish to extend the length of the pipe, and I think some of the correspondence claims that smoke rectifiers do not lend themselves to that type of smoke, and the smoke belches out something awful.

I had a service man out there~~at~~ some time, for some reason -- I forget what it was -- and the smoke was belching out for ten minutes every forty minutes. I have flown over this brick factory, and you think you are flying into a cloud, that is how high it goes up.

It seems to me when you get the wind from the east, it clouds up the whole area, and I imagine even a part of Weston. Definitely something needs to be done, particularly in regard to the smoke difficulties from this brick factory.

I have seen washings there which look as though they had been sprinkled with a dark dye.

As one of the gentlemen mentioned before, this type of smoke being expelled is of sort of a sooty

consistency, and you have it on the window sills, and on the walls.

In addition to that, one of the important questions is in regard to health. There was a time in our immediate subdivision when something like 80 percent. of our children were suffering from sore throats -- this was in the summer time.

So much for the Booth factory.

Another thing about which I assume you will want to hear, is the situation on the highway. I have occasion to drive on the new Barrie highway, and slightly to the east, I would say that the brick factory chimney stack as it is now is a menace to safety for traffic travelling on the new Barrie highway. On parts of it, you cannot see in front of you. You get the same effect as going over a bridge over a railway track at Bathurst or Spadina Avenue, when a train has just passed under, when the smoke simply clogs up the road.

The Gypsum factory, which is located in Weston, was also found to be a great menace in Weston, to a point where one petition -- or more -- was made, and it was brought to the attention of the Gypsum Company, and they have been very co-operative. I forget just what they did. It seems to me they did something to the

stack. Mr. Willetts can explain that point, I think.

MR. WILLETTTS: My only information comes from the town of Weston. They had some complaint concerning the Gypsum Company, and when they were getting a lot of rock wool coming out, they put on a number of sifters, so that by the time this stuff got up into the air, it created much less nuisance.

The Gypsum Company has set up a cleaning branch, which will go around and clean up any damage which has been done.

The town of Weston has not had a complaint concerning the Gypsum Company of late, because it has worked 100 percent. with the Township.

They are still working on it, and, as I mentioned, quite a bit of money is still being spent on cleaning up the factory, so it does not detract from the neighbourhood at all. The only problem we have with this factory is the fumes. They have~~ve~~raised the stack now, and it is spread a little further, and when the wind is blowing from the south, the fumes are very bad in that area.

The Gypsum Company have definitely co-operated in trying to overcome that problem.

THE WITNESS: We feel that some pressure should be put in the right place in order to stop this yellow

chemical smoke.

According to the doctors in the neighbourhood, it all plays a part in connection with this epidemic of sore throats. It has sort of an incinerator smell to it, and we are getting it more now, since they raised the highth of the stack, than before, because Weston was bearing the biggest brunt of it. Now that the stack has been increased in highth, it brings it right down to the three subdivisions to the north.

So much for the Gypsum Company.

In addition -- since you people would like to know all the details -- may I say that north of the Humberlea subdivision for a distance of approximately three miles, bounded on one side by the new Barrie highway, and on the other side by a continuation of Main Street in Weston, is what is called "Emery Road". The land to the east side, directly north of the three subdivisions I have mentioned is all sold, and is checked up for factories. One of them is this Steel outfit. Whether it is making castings or what, I do not know.

We feel this Committee might be able to endeavour to have some regulations which should be adhered to, because if they can "get away with it" without putting in proper smoke rectifiers, that is probably what they would do.

If these people are not compelled to pay some attention to the smoke nuisance, we would be in a bad state, and be surrounded by a smoke screen from the south.

This kiln (indicating) is about 1000 feet long, and they have had it made especially for flat cars on which bricks are piled up in a semi-wet room, and they are in turn shunted into this longer kiln, which is like a great, big, long oven. The shunting of these trains, and backing back and forth, does a great deal to increase the noise during the night, because most of the shunting is done at night.

MR. WARDY: The question was asked if it was ever discussed with our member of Parliament. Two years ago we had occasion to have a visit from Mr. "Lex" Mackenzie, and it just so happened he had a new car, and he came down our street, and got the surprise of his life, and he promised us he would do all in his power to help us out. He went to see the then Reeve, and was told it was strictly a municipal matter.

It was then taken up with Doctor Hill, the Medical Officer of Health, but we got nowhere.

The Company lay dormant for twenty-five years, and then started up its operations. They are not covered by the by-law.

THE CHAIRMAN: Mr. Mackenzie has shown a great deal of interest in this Committee's efforts to meet this problem.

MR. HOWELLS: I would like to point out actually speaking, let us say, of the smoke nuisance, that of the Melody Road subdivision, it can be said in that relation, that the problem some people have has been very unfortunate.

Humberlea and the Melody Road are post-war subdivision developments, and it has so happened that they have grown up around the factory which was dormant, but is now active again.

I would think that a Committee such as yours would recommend that there must be laws framed for these things definitely, because as it is now, we are making slums for the future, if we allow a situation like this to go on.

That is about all I can think of to be said at the moment. We do not expect miracles, but, along with other people, we do have a smoke and air-pollution problem.

MR. MURDOCH: What would you suggest as an answer in that area?

MR. HOWELLS: I cannot say that I am clever enough to suggest an answer. Let me say this; my understanding is that this Committee was formed for

the purpose of investigating the problem, and making certain recommendations to the Legislature.

THE CHAIRMAN: That is correct.

MR. HOWELLS: And you will recommend certain changes in the smoke by-laws?

THE CHAIRMAN: Yes, that is right.

MR. HOWELLS: It is a big problem. Let us consider the one where the company thinks it is quite justified. They do make that claim, that is quite true. We are now an organized community, and we have been to see them --

MR. BELYEA: It is not a village.

MR. HOWELLS: It may not be, but the fact is we have no legal way of making them amenable to reason, but we do hope to see some beneficial results and a betterment of the situation as we have it today.

Our Association has had this problem on its agenda for as many years as we have been in existence, but we cannot do anything about it, apparently simply because there is no law with teeth in it. It seems they are specifically exempt. There are no laws which can apparently touch them in that regard.

MR. THOMAS (Oshawa): How many homes are there in the V.L.A. subdivision?

MR. HOWELLS: Approximately 120.

MR. THOMAS (Oshawa): How near are the nearest homes to the brick factory?

THE WITNESS: Well, I have my own place, and it is approximately 90 yards away.

BY MR. THOMAS (Oshawa):

Q. Would it appear to you that there was fault on the part of the V.L.A. in letting you locate there?

A. No. The brick factory was entirely dormant. It was used as a warehouse by the Airforce during the war, under the V.L.A.

When I first moved in there, it was farm land completely in that area, outside of the brick factory, which was completely dormant. There was not a home around there.

Q. I think that should be a warning, and I think these gentlemen should be assured that this is one thing with which the Committee is greatly concerned and it intends to do something about it.

MR. WARDY: I believe, if the Committee realized the importance of eliminating the nuisance from the smoke stacks, not just in our district, but throughout the thirteen municipalities, some action would be taken. I think, in our case, if the Committee was able to pass a by-law, it would help considerably.

It already has been mentioned how hard it is

to put on these smoke rectifiers, but it is something which perhaps should be done. There are, of course, other things more difficult to instal than smoke rectifiers, but they have succeeded in remedying the situation in Trail, British Columbia. It takes but a little extra push to get them to do a thing of that kind, when they need it.

So if we had a by-law passed providing that they would have to stop the nuisance as soon as possible, I think something would be done, and they might hire an engineer who could tell them what had to be done, and in that way the problem could be solved.

I know it is difficult, because it just happens to be a certain application, which is a little more difficult than other types, and it may require a little extra effort to bring about an abatement of this fume nuisance.

MR. HOWELLS: I think I should state for the record that our Association, as a whole, has not been unreasonable in our approach to this Company.

For instance, beside the smoke nuisance, it has always been our considered opinion that this factory presents an eye-sore. It is at the end of Melody Road, and is not particularly appealing to look at, and when this smoke is coming out, it makes it doubly

bad.

We were prepared to take certain measures, such as planting trees along the highway leading to this particular Company -- and I am expressing only a personal opinion -- they have taken the opportunity to hide behind the fact that there is no existing by-law under which we can force them to do anything, and they take the attitude, "That is it". They would not even discuss the question with us. We have had correspondence with them, which was never answered.

THE WITNESS: I think we got replies giving us information, many times, that there was a by-law, but that was as far as it went.

I believe you gentlemen would be interested in my suggestion, apart from your engineers, and I repeat the suggestion I have made before. I think the most simple way would be to raise the stack up 30 or 40 feet. That might not be an answer to the problem, because the other subdivisions might be getting it then.

MR. HOWELLS: You cannot minimize the problem. As I said before, we have a number of problems affecting a great number of people, and if Toronto is to be allowed to grow up, as these two subdivisions have done, there is only one way to escape the creation of slums in the future. It would be a terrible thing if Toronto were

allowed to grow up like that.

I would figure, if I were sitting on a Committee, and had the job of investigating the problem, and drafting possible legislation, I would think I was "some Joe".

THE CHAIRMAN: That is how we all feel. We appreciate your coming here tonight with your group, which represents such a fine district as that represented by the Melody Road Ratepayers Association, and your remarks are certainly worthy of consideration.

I think it would be a nice gesture if we joined in a melody, so as to get everybody out smiling.

We thank you very much for coming.

---The witness and his delegation retired.

THE CHAIRMAN: Is there anybody else in the room who would like to appear before the Committee?
(No response).

MR. THOMAS (Oshawa): If not, Mr. Chairman, I move we adjourn.

MR. GORDON: I second that motion.

THE CHAIRMAN: Thank you very much. A motion to adjourn is always in order, so if there is no one else who wishes to appear, we will adjourn now par tem.

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---Whereupon at 10:10 of the clock, p.m., the further proceedings of this Committee adjourned sine die.

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P R O C E E D I N G S

of the

SELECT COMMITTEE, APPOINTED BY THE ONTARIO
LEGISLATURE, TO ENQUIRE INTO CERTAIN MATTERS
AND LEGISLATION REGARDING SMOKE CONTROL AND
AIR POLLUTION, IN ONTARIO.

Mr. A. H. Cowling, Chairman,
Presiding.

Dr. F. A. Evis, Secretary.

VOLUME XXIII

Thursday, May 10th, 1956,

Brantford, Ont.

R. C. Sturgeon,
Official Reporter,
Parliament Buildings,
Toronto, Ontario.

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T W E N T Y - T H I R D D A Y

Brantford, Ontario,
Thursday, May 10th, 1956,
2:00 o'clock, p.m.

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The further proceedings of this Committee
reconvened pursuant to call of the Chairman.

Mr. A. H. Cowling, Chairman,
Presiding.

PRESENT:

Messrs. Elliott,
Murdoch,
Morningstar,
Brandon, Q.C.,
Gordon,
Thomas (Oshawa),
Dr. Fred Evis, Secretary.

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APPEARANCES:

Mr. Harry Belyea,	Hygienic Engineer, Department of Health, Ontario.
His Worship Howard Winter,	Mayor, City of Brantford.
Dr. W. L. Hutton,	Medical Officer of Health, Brantford.
Mr. A. Campbell,	City Clerk, Brantford.

Mr. Harry Richards,	City Engineer, Brantford.
Aldermen Hogarth,	
John Noble,	Brantford.
Arthur Kelly,	
M. Jones.	
Mr. Ronald Finer,	Brantford.
Mr. James Dunn,	Brantford.
Mrs. Coxhead,	Brantford.
Mr. J. W. Foster,	Brantford.
Mrs. G. Simms,	Representative, Local Council of Health Committee, Brantford.
Mr. Karn,	Brantford.
Mr. Charles Ward,	Brantford.
Mr. Cecil Ball,	Brantford.
Mr. Hicks,	Brantford.
Mrs. Lesconi,	Brantford.
Mrs. Kermack,	Brantford.
Mrs. Robertson,	Brantford.
Mr. Donald Hounam,	Brantford.
Mrs. Papyos,	Brantford.

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THE CHAIRMAN: Ladies and gentlemen, we will bring the meeting to order.

As the Chairman, I would like, first of all, to express our thanks to His Worship the Mayor, and the

Council of the city of Brantford, for allowing us to use the Council Chamber, and to be permitted to occupy your seat, Mr. Mayor. It is very comfortable. I wonder how you stay awake during your meetings.

HIS WORSHIP MAYOR WINTER: I keep awake, alright. Council sees to that.

THE CHAIRMAN: Ladies and gentlemen, as you know, this is an all-Party Select Committee of the Ontario Legislature, all Parties being represented. This is a nine-man Committee, and we have our Secretary, Dr. Evis, who is the Executive Assistant to the hon. Minister of Health; Mr. Harry Belyea, an engineer and our technical advisor; and we also have our Hansard reporter with us, so that everything anybody says will be taken down.

Our reason for coming to Brantford, primarily, was because of an invitation extended to us by your local member, Mr. George Gordon, and to have a look at your great city, and to check on the smoke problems and air pollution matters in Brantford, and to receive your views and opinions, so that together we may possibly be able to do something to assist you in your local problems.

Without further ado, I am sure there must be some here who would like to address the Committee, and if that is the case, we would be very glad to hear

them.

Mr. Mayor, do you want to speak on behalf of the Council?

HIS WORSHIP MAYOR WINTER: Mr. Chairman and gentlemen; on behalf of the Council, I would like to say that we are very happy to have you in the city of Brantford, and I wish to thank you for coming here. We realize that your problem is our problem, and perhaps our problem is your problem, and I think if there is anyone here who would like to speak -- and I see the ladies here, upon whom you can always depend, God bless them, because they all have some problems in connection with this matter.

I really feel that nothing but good can come from a meeting of this nature.

As I said at the luncheon, you have been around the city a bit, and have seen some of the things here we have to offer. We realize that during your travels you have gained a vast knowledge of the problems of various cities, many of which I presume are similar to those which we have here, and I am sure you can be of help to our people. I see there are certain representatives here from industry, and also from our people of the city of Brantford, and no doubt they will want to express themselves.

Once again, on behalf of Council, I would like to welcome you to the city of Brantford, and to say that we are happy indeed to have you in our midst.

THE CHAIRMAN: Thank you, Your Worship.

We have a letter addressed to Mr. George Gordon, from the residents of the Poplar Hill district, in the vicinity of the Airport Road. Is there anybody here representing that group? Is Mr. Green here? (No response).

We acknowledged the letter. Then there was a group from Brantford complaining about the Canada Packers Limited, and I see there are several names as representing that group. Are any of those people present? (No response).

Do the ladies present want to say something?

MRS. G. SIMMS: I represent the Local Council of Women, Mr. Chairman.

MRS. ROBERTSON: And I represent the Council of the Health Committee of the city of Brantford. We thought we would attend this meeting, and perhaps we able to take some report back.

M R S. P A P Y O S,

appeared before the Committee, but not being sworn,

deposes and says:

THE WITNESS: Mr. Chairman and gentlemen; I think I can speak for all our neighbours around the district of Poplar Hill, in regard to the smoke coming from the Brantford Roofing Company, which is very bad. Sometimes during the night it is so bad that it looks just like a fog, and I think it is time that something was done about it. We have spoken about it for quite a while. The condition is so bad that you dare not hang anything white out on the lines, because you do not know what condition it will be in when you bring it back in.

If anything can be done, it will be a big relief to those of us living on Pearl Street and in that vicinity.

BY THE CHAIRMAN:

Q. Is it getting worse?

A. It is pretty bad all the time.

Q. In regard to this complaint, what has the Brantford Roofing Company done about it?

A. They do not do anything.

Q. You have contacted them, and they have paid no attention?

A. No; it is simply a matter of having to go into the house, and closing the windows and doors.

Q. Is there any odour attached to it?

HIS WORSHIP MAYOR WINTER: It is terrible.

BY MR. BELYEA:

Q. It is not from the smoke stacks? It is from their processes?

A. I guess so, yes.

Q. They are coating the roofing with an asphalt material, and the vapours pass from the building out into the open air. I understand it is heated to a very high temperature.

THE CHAIRMAN: We would like to thank you, Mrs. Papyos, for coming down and making your presentation to this Committee. You see now, it really was not so bad.

THE WITNESS: No, it really was not.

THE CHAIRMAN: One of the main purposes of our visit here is to hear from the citizens, presenting their own particular complaints. We will certainly take your remarks into consideration, and I can promise you that we will look into the matter.

THE WITNESS: If anything can be done, it would make it much more pleasant for us to live in that district.

HIS WORSHIP MAYOR WINTER: I think it is also a question of the odours.

THE WITNESS: It is the dirt. You wash your verandah off, and you could not keep it clean. You have to wash it every little while, as the soot and smoke come over, and it gets dirty again very quickly.

Of course, when a train goes by, that is something which cannot be helped, and we do not mind putting up with that. But the Roofing Company is a different thing altogether. There are days when it is not quite so bad, but at other times it is very thick.

BY THE CHAIRMAN:

Q. Do they work on Sundays -- twenty-four hours a day?

A. Sometimes. I think they figured at one time if they could burn this stuff during the night, it would stop the complaints, so they started burning it after midnight. It was so bad that it would wake you up during the night, and when you looked out your window to see what it was, you found that they are burning it all during the night.

BY MR. THOMAS (Oshawa):

Q. Have you approached the local Council -- you, or any of your neighbours?

A. I have not.

BY MR. ELLIOTT:

Q. You have not approached the Board of Health

at Brantford?

A. No.

Q. Nor any other department?

A. No.

Q. This is the first time you have actually made a complaint?

A. Well, we have spoken about it before.

Q. And you have tried to handle this matter in a more or less co-operative way?

A. Yes, but they do not pay any attention.

BY THE CHAIRMAN:

Q. In regard to the trains. You are located beside the tracks?

A. Yes, we are on Pearl Street. I do not complain about the trains, but about the trucks going by from the Roofing Company. It is very bad. I know some people who had small children had to move away from Pearl Street because of the trucks. They come down there entirely too fast, and they really "give her the gun" when turning from Sydenham Street into Pearl Street.

Q. In regard to the trains; are they mostly coal-burning -- those which go by your district, or have they a few diesels?

A. There are some diesels coming through all the

time.

THE CHAIRMAN: Well, we hope that eventually we can do something about the trains.

THE WITNESS: That would be wonderful, if you could. We would not complain too much about the trains, because I do not think there is much that can be done. It is something we have to put up with. The smoke from the trains just goes by, and it is gone, but what we are complaining about is the smoke coming from the Roofing Company for a half an hour or an hour at a time.

BY MR. BELYEA:

Q. Does that cause any health problem amongst the children? Have you any problem in regard to throat irritation or something of that kind?

A. If it is a very heavy smoke, yes. If the wind is blowing in the right direction, it blows the smoke right into our homes.

Q. What is the farthest distance from the plant this can be noticed? A block away?

A. It affects the people along Henrietta Street.

BY MR. THOMAS (Oshawa):

Q. What effect has it on your washings on Mondays?

A. You put anything white out on the line, and

if the weather is inclined to be a little damp, all the soot settles right on the clothes, and you have to bring them in and wash them over again.

BY MR. ELLIOTT:

Q. How far are you from the plant?

A. We are on Pearl Street -- about one block.

Q. That would be about 200 or 300 yards away?

A. Well, yes. I imagine it would be like one complete block.

Q. And the whole area is built solidly around the plant?

A. Yes.

Q. It is all homes?

A. Yes.

Q. It is a solid built-up area?

A. Yes.

Q. Who was there first, the homes or the plant?

A. I do not really know, but I imagine it was the plant.

MR. GORDON: It is a very densely settled district, up in that neighborhood, Mr. Elliott.

BY MR. ELLIOTT:

Q. The factory was there, and then you people moved in around it? That could not happen under a new zoning by-law. It probably will never happen

again, but it is one of the problems you have there now.

MR. GORDON: I do not know whether the houses were there first, or the factory; I do not know which was there first, the chicken or the egg.

THE WITNESS: Some of these houses are about 100 years old.

BY MR. ELLIOTT:

Q. You think it depreciates the value of your real estate?

A. Yes.

BY MR. THOMAS (Oshawa):

Q. That would be indicated by the very fact that you mentioned people moving away.

A. I know of one young couple, with a small baby. She could not put the baby outside to sleep, because it would inhale all that dirt.

BY MR. BELYEA:

Q. And in the heat of summer, you cannot open up your windows?

A. You have to take a chance, and then when you see the smoke coming, you close the windows again.

BY MR. ELLIOTT:

Q. Is there anybody here from the industry in question?

THE CHAIRMAN: We will find that out when the lady has finished with her complaint.

THE WITNESS: I do not think I have anything further to say now.

---The witness retired.

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R O N A L D F I N E R

a witness appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: I am a stationary engineer, Mr. Chairman. The Company burns oil in its boilers --

BY THE CHAIRMAN:

Q. You are speaking of the Brantford Roofing?

A. Yes. They have a hot process to keep the asphalt molten, and it is well fired, and I believe that is the equipment against which the lady was complaining. I am not too familiar with it, although I have been in the plant and have seen it. They have this piece of equipment under the boilers, and that makes the smoke about which the lady was complaining. Whether something could be done to improve that situation, I cannot say at the moment.

BY MR. THOMAS (Oshawa):

Q. Can you suggest a remedy, something to

overcome that?

A. I have never worked in the plant. I only saw the equipment once, and I would hesitate to make any suggestion.

---The witness retired.

THE CHAIRMAN: Is there anybody here from the Brantford Roofing Company? (No response).

MR. ELLIOTT: Would it be possible to have a look at the plant before we leave?

THE CHAIRMAN: I would think so, yes.

Is there anybody else who would like to address the Committee?

J A M E S D U N N,

appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: Are there any local by-laws or rulings which exist?

THE CHAIRMAN: Let us find out. What about that, Your Worship?

HIS WORSHIP MAYOR WINTER: I think perhaps Mr. Richards could give you some information on that.

---The witness temporarily retired.

G. H. RICHARDS,

City Engineer, city of Brantford, appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What is your position, Mr. Richards?

A. City Engineer.

Q. Will you proceed, Mr. Richards, with anything you may wish to say.

A. Mr. Chairman and gentlemen; we are in the unfortunate position in this city of having recently lost our smoke inspector, due to death. From his long experience in administering our smoke by-law, I feel sure he could have made a very worth-while contribution to this meeting. Anything I can give you is largely hearsay, in that Leo (Mr. Tracy) was in my department, and was very efficient in his administering the by-law, and only called upon me on very few occasions.

However, I am in the position of being able to answer the question asked by Mr. Dunn, by stating that we have had a smoke by-law for many years, but it is only as strong as we are permitted to make it under the Municipal Act. Cities with a population under 100,000 can only go so far under the present Municipal Act, and without troubling to read all the rules, it might save a little time if I read one

paragraph, as follows:

"1. Every owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning, and every person who operates, uses or causes or permits to be operated or used, any furnace or fire within the limits of the City of Brantford, shall prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney. Provided always that nothing herein contained shall apply to a furnace or fire used in connection with cupolas for melting metals, or to dwelling houses, except apartment houses."

MR. DUNN: That would not apply to these people?

THE WITNESS: No.

BY MR. THOMAS (Oshawa):

Q. Are there any presently?

A. The next paragraph reads as follows:

"2. No person shall incur a penalty for an

infraction of this By-law until ninety days after notice from the Corporation of the existence of such by-law, and such notice may be given by publication of the by-law in the Ontario Gazette and in a daily newspaper published in the Municipality once each week for four successive weeks."

BY MR. THOMAS (Oshawa):

Q. That only refers to penalties?

A. Yes.

Q. That leaves it wide open?

A. Yes.

BY THE CHAIRMAN:

Q. How many complaints have you had since the 1st of January of this year -- approximately?

A. I think three or four.

Q. When did the smoke inspector die?

A. About a month ago.

Q. And you are in the process of selecting another man?

A. Yes. It might be of interest to the Committee if I made this statement. Mr. Tracy, our late smoke inspector, received a great measure of co-operation from industry. Leo (Mr. Tracy) was not a type to wield a "big stick", and threaten to take

them into court. He invariably approached them with a view to seeing if something could not be done to improve conditions. I think I am safe in saying that in 90 per cent. of the cases, a great deal of co-operation was given by industry. They would go into the matter thoroughly with our engineers, to see if some change, perhaps in fuel, would bring about an improvement, or by changing from over-feed to under-feed would improve the smoke conditions, and it was really a very co-operative effort.

However, there are always a few who will refuse to co-operate, and I think that Leo (Mr. Tracy) felt his powers were limited under this by-law, and until the Municipal Act is amended, there is very little we can do. I think the limit of population is fixed at 100,000, and up to that stage, I think we have done all we can do. Above that limit of population, certain powers are given to a municipality, which do not apply if the population is under 100,000.

THE CHAIRMAN: We certainly agree with you there needs to be some changes made. We found out this morning you will have an increase in assessments in the near future, and I understand there will be an additional assessment of some \$25 million in the city of Brantford. That is a terrific advancement, and

certainly one of the duties of the Committee will be to attempt to supply you with a type of air-pollution by-law which can become effective, and can be put into force before these buildings are erected, because it is much easier to put the equipment in when the building is being erected, than after the construction is completed. We have learned it costs about 50 per cent. more to instal air-pollution equipment after a building is completed.

MR. GORDON: When this Committee was appointed by the Legislature, Mr. Tracy approached me, and told me how pleased he was that this Committee had been appointed. He said, "I am in the position of a smoke inspector who cannot do any inspecting, because I am so busy doing other work", and he said that as far as inspecting was concerned, he just could not do anything. All he could do was to attend to complaints as they came in, and he was very pleased to think this Committee had been appointed, and that the Legislature would no doubt change our present Municipal Act, whereby more teeth could be placed in the air-pollution by-law, and the city would be able to act under the amended by-law.

Leo (Mr. Tracy) passed away, and I heartily agree with Mr. Richards, that he was one of the most

efficient civic servants Brantford has ever had, for many, many years.

THE WITNESS: Yes, I would certainly say that.

Lack of zoning in the past, to a very large extent, has contributed to our problem. I think we are doing a better job of planning and zoning now than in the old days.

I can sympathize with both the offender and the complainants in some cases, where some industries have moved out into what they thought was an undeveloped area, where they would not be bothered, but the city's growth has been so phenomenal, that the first thing industry knew, the employees had built or bought small homes near the plant, and being employees in the plant, they could not complain too much, and as time went on, industry found itself surrounded on three or four sides with small property owners, and it presented a terrific problem, and it was, apparently, very difficult for the plant to change over to eliminate the smoke nuisance completely.

I know of many cases where they have extended their stacks in an endeavour to improve the combustion, but in spite of that, there is a certain density of opaque smoke at certain times of the day.

In an attempt to separate residences from industry, once we have a comprehensive zoning plan for greater Brantford, I am sure that will have a beneficial effect.

THE CHAIRMAN: You may be interested to know that in our studies, we have found very definitely that if money is spent to provide equipment, and proper equipment is installed, opaque smoke of every description can be almost eliminated. We found that many of our citizens thought these things just had to be. We know now they do not. If the plan is made at the right time, and proper funds allocated for that purpose, the greater percentage of this opaque smoke can be eradicated.

THE WITNESS: But it is still a great problem for industry in existence now. If they are building a new plant, the problem is not so severe, but it is very difficult to change over an older plant.

We have found if we wield the "big stick", they claim it is discrimination, and that we are trying to put them out of business.

THE CHAIRMAN: We will help you out there. I think we will have a law which will be applicable all over the province, so that if a firm says to you, "If you cannot give us a 'break' we will move out",

you need not be worried, because the same law will be applicable in the next town.

However, in our travels, and from our investigations, we have found that the cases where they have actually moved away have been very few and far between. When the "chips are down"; they simply do not move. We have found that in the larger centres, such as Chicago and Detroit.

THE WITNESS: I am very pleased to hear that, and I wish you all the best of luck.

---The witness retired.

MR. GORDON: We have a lady here whom I think is a little nervous. She has a petition from some people, who, incidentally, have been telephoning me. I would ask that this lady be heard at this time.

THE CHAIRMAN: We shall be very glad to hear her, of course.

M R S. C O X H E A D,

a witness appearing before the Committee, but not being sworn, deposes and says:

THE WITNESS: Mr. Chairman and gentlemen, I have a petition here signed by 48 residents in the Holmedale district. It reads as follows:

"To the Ontario Legislature's Select Committee

on Air Pollution. We, the undersigned, wish to bring to your attention the problem of soot, smoke and sulphur fumes from factories in the Holmedale district".

That is dated May 9th, 1956, and is signed by 48 residents of the district.

That is a district from John Avenue to Burnell, and in that section back to St. Paul Avenue, and away out Whetter Street, out toward the dam. That is where we get the soot.

BY THE CHAIRMAN:

Q. Is there just one factory there?

A. There are several of them; there are some factories out there where they have smoke, but it is not nearly as bad as that coming from this Cordage factory.

BY MR. ELLIOTT:

Q. Is it from the smoke?

A. The walks are plastered, and every morning it is all over everything, the dirt coming from the chimneys.

Q. Was the plant there first, or the houses?

A. There were a lot of houses there first.

MR. GORDON: It is an old section. There were houses there first.

THE WITNESS: It is not improving at all.

BY THE CHAIRMAN:

Q. Have you made any telephone calls to this industry -- or, in fact, any of them?

A. No. I did not think it was up to us individually. We thought it was up to the Committee to see if something could not be done. They have been notified from time to time.

Q. That is what I was getting at. You find that the washings on the lines, for instance, become covered with dirt?

A. We cannot leave anything white out all night. It will be all dirty in the morning, and our verandahs are covered with soot, and we do not dare paint the verandahs white, and if we hang anything out on the lines, it is very likely to be all covered with soot, and we have to bring things in and wash them all over again.

BY MR. THOMAS (Oshawa):

Q. Have you complained to the Department of Health?

A. I supposed that was to come later, when they were trying to get the factories to do something about it, but from what we can see, it appears that will take some time. We realize they cannot change over night.

BY MR. MURDOCH:

Q. Have you ever complained when it was seen that the paint was really being damaged by the smoke from a specific factory, and have you felt that you possibly would have a basis for a law suit?

A. No, no. We do not want any law suits.

Q. You just accept it, and that is it?

A. Yes. Our people are not down and out; we do not want to have a law suit, but we would like to have something done about the smoke. We are not that desperate.

MR. GORDON: One of the engineers in that vicinity advised me today he does not know if it is coming from their plant. I think it would be necessary to pinpoint exactly where it comes from. We know that from time to time the automobiles on the street are covered with dust, but what it is, or just where it comes from, they do not know.

THE WITNESS: If it comes this way (indicating), we are behind it, and if it comes that way (indicating), we are in front of it. We just cannot win.

MR. MURDOCH: Many of our residents in Ontario suffer a real nuisance, and possibly a health hazard, from the effect of smoke and its emission from our factories, but they seem to accept that as part of

the Canadian way of life.

This matter was brought into the Legislature by some of the members, and as a result it was found that some of our present legislation was faulty, and it was the desire on the part of the government of the province of Ontario to see if some steps could not be taken to bring about an improvement in that situation. However, this Committee realizes some of the difficulties, but we do not think we should try to correct one nuisance by establishing another.

I would like to point out through you, Mr. Chairman, that we have engineers and scientists concerning themselves with this matter, and as the government is more or less seeking to clean the air, they are more or less giving encouragement to these engineers and scientists to pursue their experiments and studies, in an endeavour to ascertain where and by what means we can obtain clean air, and we hope that in the not too distant future something can be done to correct it, which will not antagonize nor adversely affect industry.

I wanted to establish the point that the people seem to have accepted this, and simply say they do not think there is any solution for it. We know there is.

THE WITNESS: You know there is?

MR. MURDOCH: We think so.

THE WITNESS: I am glad to hear that.

MR. THOMAS (Oshawa): We need the co-operation between industry and the local Council, and if something were done to draw it to the attention of industry, particularly the offending industry, perhaps you would get somewhere.

THE WITNESS: I think they have been notified, but apparently it is as bad as ever.

MR. MURDOCH: I think it must be mentioned that under the present legislation, many industries are exempted altogether. We are trying to remedy that situation. I do not like to see the municipalities blamed, because we know they have been operating under a great deal of difficulty, as the legislation is not quite effective enough.

BY MR. THOMAS (Oshawa):

Q. It would be interesting to know if, in this particular area, there are any foundries operating.

A. No; it is the factory chimneys.

BY MR. GORDON:

Q. The textile factory?

A. They get a great deal of smoke from the coke plant. You may not believe it, but they do.

BY MR. ELLIOTT:

Q. There are no steel industries here at all?

A. In one district, I think the Steel Company did build.

DOCTOR EVIS (Secretary): When we came by the cordage plant, they were putting out No. 5 smoke for a long time.

THE WITNESS: We get it there for a long time.

BY MR. ELLIOTT:

Q. How about the residences? Do they burn coal or oil?

A. The majority of them use oil. We have not. We cannot afford it yet.

Q. Do you know if switching from coal to oil helps any?

A. In the factories?

Q. No, in the homes?

A. No; I never studied the homes; all I can speak of are the factories.

MR. GORDON: They burn very little coal around here.

THE CHAIRMAN: I think you have done a good job for your neighbours by appearing before the Committee. I think we perhaps have asked you all the questions we can. And I am glad to see you have not been too nervous.

If you will give us all the information you

can, through Mr. Gordon, it will be brought to the attention of the Committee, and I think you will find that while we are helping the city of Brantford, we are helping you also.

THE WITNESS: We are happy to have a man like Mr. Gordon representing us.

MR. GORDON: Yesterday, somebody telephoned me from Burwell Street in regard to his wife's washing.

MR. ELLIOTT: Do they use any dyes in the factory?

MR. BELYEA: It sounds very typical of soot blowing, when it shows up in the mornings. It may be fly ash.

MR. ELLIOTT: You might need a factory inspector here to check the materials they use.

---The witness retired.

MR. GORDON: A lady came just after we commenced this afternoon, and said she had to go somewhere else as she had another appointment, but I think it was due to her nervousness. She handed me a letter from her husband, which I will read now:

"Gentlemen:

Please consider the smoke and soot from burning tar paper at the end of Locks Rd.

Also people have been dumping refuse there --

I do not think this should be allowed as no one ever cares for this site, or covering with soil anything that smells.

Also, Canada Glue factory does give the air a taint beyond imagination, especially if the wind is right.

(signed) 'John H. Perrett'

59 Locks Rd."

J. W. F O S T E R,

appearing before the Committee, but not being sworn, deposes and says:

THE CHAIRMAN: We shall be very glad to hear anything you care to say, Mr. Foster.

THE WITNESS: I would like to say a word in connection with this same locality. I live on Echo Place, and in regard to the city dump; in my opinion, it is a very much greater offender than half the factories in the city.

Every once in a while, there is a great plume of smoke coming up like a bomb explosion, and the soot settles over everything in the neighbourhood.

About a year ago, I raised this question, and Mr. Tracy came out. The car was in the yard, and had a white top on it, and it was impossible for you to

put your finger anywhere on the top, for the soot.

Then I picked up a piece of carbon from the dump, which was as big as that ash tray (indicating). I do not know whether "Joe" Ross is here or not -- I do not think he is -- but I showed him the carbon which landed in the yard.

This is not only a nuisance, but it creates an extreme hazard. I have about an acre of pine, and you know how dry a piece of pine gets at this time of year. If a fire occurs from a piece of hot carbon, I think it would ^{almost} be impossible to save any of the houses in that section, because there is such an intense heat that the firemen just could not go in.

Not only the pine, but there is a ravine about 500 feet long covered with grass, and there is always danger of some of these fragments setting the grass on fire, and if that starts, then the pine goes too. Also Mr. Curran has some property there, and it would be almost impossible to save it.

You were speaking about a few smoke stacks, but it seems to me the city is a bigger offender than half the factories. About a year ago, I spoke to our member about it, and Mr. Tracy and Mr. Barclay came out and promised to do something. However, so far, nothing has been done.

I thought this might have some bearing on the discussion today. Thank you.

BY THE CHAIRMAN:

Q. You say there was a piece of carbon as large as that ash tray (indicating)?

A. Yes. I can verify that. It was about half the size of an asphalt shingle, and it had floated 600 or 700 feet from the dump.

BY MR. ELLIOTT:

Q. From an explosion in the dump?

A. I cannot say whether it was an explosion or not, but it just fell into my yard.

THE CHAIRMAN: It goes to show that some of our provincial and federal buildings are offending as badly as some industries. I agree with you on that, Mr. Foster.

THE WITNESS: As far as I know, all this comes from the dump. I think quite frequently it is inflammable material, and they tell me that when it ignites, they have to stand off some distance, on account of the heat.

THE CHAIRMAN: Thank you, Mr. Foster.

---The witness retired.

THE CHAIRMAN: Is there anybody else who would like to speak to the Committee?

M R. K A R N,

appearing before the Committee, but not being sworn,
deposes and says:

THE CHAIRMAN: We shall be glad to hear from
you, Mr. Karn.

THE WITNESS: I want to corroborate what my
friend Mr. Foster has just said. I live next door
to him. I can assure you he is not exaggerating at
all. The smoke is terrible at times. It is black
smoke, and if the breeze is in the right direction, it
carries that smoke for some distance over our neighborhood.
I suppose if the breeze is in another direction, it
would carry it over other parts of the city. I think
it is really serious.

MR. FOSTER: If the atmosphere is heavy,
the carbon settles more quickly.

BY MR. ELLIOTT:

Q. The year around?

A. Yes, practically.

Q. If they covered it with a heavy soil, what
would happen?

A. I do not know.

THE CHAIRMAN: Perhaps we should hear from
the City Engineer on that.

MR. RICHARDS: I can sympathize with the

two previous speakers, and freely admit they are not exaggerating the seriousness of their problem.

However, I would like to clarify one thing, and that is in regard to black smoke coming from the city dump. It actually comes from burning the industrial waste, which is so highly inflammable that we refused to put it on our dump. Having refused industry the right to use our dump -- and, as our citizens know, we do not operate an incinerator -- industry said, "Can you find us a place where we can bury this?". The only place we could find was originally a large land area at the extreme southeastern corner of our city, near the entrance to the city.

But in recent years, instead of only one industry burning its refuse down there, there are now two or three, and the situation is getting worse very rapidly, and I freely admit we will have to find some other place. It is not really a problem for which I can offer any solution at the moment. But I can assure you we are working on it, and trying to find a place where that refuse can be buried rather than being burned.

We thought of burying it in our municipal dump, but we were afraid if we tried that, due to spontaneous combustion, it would break out in flames,

and we would have our dump on fire.

We have been considering this matter for the last five years, and the important thing is really to find a place where it can be buried. We are quite aware of this problem, and this summer we will have to find a place for burying the refuse from the Brantford Cordage plant. I understand the plant will change over before the summer, but we must find a place to dispose of the refuse.

MR. GORDON: They should go to Philadelphia to find out how to dispose of it.

THE CHAIRMAN: Is there anybody else here who wishes to speak on this matter?

C H A R L E S W A R D,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What do you wish to say to the Committee, Mr. Ward?

A. Mr. Chairman and gentlemen; I am only appearing here as an individual, but, as a member of the Board of Works Committee, as I see it, the law as it is on the Statute books at the present time, says they can only emit opaque smoke for six minutes

in an hour. I think that statement is somewhat ambiguous, in that we might have opaque smoke emitted at, say, six minutes to seven in the morning, and it would be permitted to go on until six minutes after seven, and still keep within the requirements of six minutes to the hour.

Three times this week, I have taken great care in observing the plant, and I have seen them emit the smoke for eleven minutes straight. It is so thick, you cannot see through it. One of the complaints was for eight minutes, and the other for eighteen and one-half minutes, by a watch.

It seems to me that when you make any representations to industry, they will give you the familiar cry, which is the answer you would expect, "if you do not like it, we will put out of the city". His Worship the Mayor, and the members of Council are averse to anybody leaving the city, because we want the good-will of the people, and it seems to me, if you are going to have effective legislation, it should be uniform throughout the province. I am giving you my personal opinion when speaking of these things.

I wanted to make it clear that on three mornings this week they have gone over the regulation six minutes in each hour. I would advise changing that

to read, "Six minutes in any 60-minute period".

To prove my statement, yesterday morning I came onto the street, and I was annoyed to see people putting out their washing, and see the smoke coming down in great billows, and I asked a policeman to take a look at it, as a witness for me.

I think that is all I have to say.

---The witness retired.

THE CHAIRMAN: Are there any other speakers? If not, may I say that we appreciate the interest you have shown in coming here and appearing before this Committee, and your comments will be very helpful to us when we make our final recommendations to the Ontario Legislature, after we have completed our investigations and report.

C E C I L B A L L,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What do you wish to say, Mr. Ball?

A. I happen to be President of the Power Engineers, and any co-operation we can give you, we shall be only too happy to give it.

Around the factories, we have experts --

perhaps not too expert -- who have knowledge of how to cut down the smoke. We have one gentleman here who has helped to put in the new plant at the hospital, and I do not think anybody can complain about that.

I think we must all realize that it will cost a great deal of money to prevent smoke. There is no doubt about it, that it requires modern and proper procedure.

Q. You are speaking as a professional engineer?

A. Not a professional engineer, but as a drafting engineer. Any co-operation we can give you, we shall be glad to extend, and all you have to do is to get in touch with the stationary engineers in Brantford.

In Brantford, if a new plant is being put up, they do not consult the City engineer. They simply put it up as quickly as possible.

I think Mr. Dunn can give you some further information on that.

Q. As a qualified stationary engineer, would you say it would be reasonable to expect industry to reduce the period for the emission of smoke from six minutes to three minutes in an hour?

A. It is very reasonable. Out at Cox', they have 60-horsepower, and four boilers. Most of the time, a fireman comes in, and does not know any better, and he

goes around the place, and stops one after the other. What should be done is to stop one at one time, and another one at another time.

Q. How long do they stop?

A. Not longer than three minutes. In fact, in some cases, it could be done in one minute. It depends on the size of the furnace.

The one at the hospital has a smokemeter. They do not have to go out to look at the stacks to see if they are making smoke. They have the meter right there. I think it cost somewhere in the neighborhood of \$3,500. However, I do not think they have to go that far, if they would use proper procedure, in which case they should blow the boilers individually.

BY MR. BELYEA:

Q. You say some of these companies are only blowing once a day, instead of during every shift?

A. Yes.

Q. That would be far more in total than if they were blowing three times a day.

A. Some of the factories are doing it, when operating eight hours, and they are blowing their boilers every hour.

I would like to offer our co-operation. When a new smoke inspector is appointed, I hope he will be

a stationary engineer, or somebody who knows smoke, and not, perhaps, a paper-hanger, as some municipalities have.

If you want any help, do not hesitate to call upon us, and I am sure we will extend all the co-operation it is possible for us to give.

Q. When it becomes very heavy, it drops down?

A. That is possible. Another thing is that most of the boilers now have cinder recoverers. Cinders are the greatest enemy we have. As soon as you get away from that --

Q. If a plant did not have a cinder collector, would it be difficult or expensive to instal one?

A. Yes. The ones we have with cinder recoverers are the ones which have not the forced draft.

MR. DUNN: It might be interesting to know that we make some 117,000 tons of smoke every year. If we can find some way of operating an industry without making smoke, I think industry would appreciate it. I do not think there is a major industry in Brantford which would not be glad to co-operate, because in reducing smoke, they are reducing costs. There may be processes where it may be more costly to produce noxious fumes, than burning fuel.

It seems to me we are going all around the

edges instead of getting at the root of the matter. If you do that, I am sure you would come up with a solution. The fundamental thing is this; we should have laws which will give the required protection to industry, and industry should have all the facilities known, in order to protect themselves.

In regard to burning fuel -- and I am glad Mr. Richards is here -- there is no law concerning furnaces, and the biggest part of our trouble is that we build furnaces which are not constructed nor designed for the fuel which is burned in them. We should have a law in regard to the burning of fuel, that a furnace must be designed to burn a particular fuel, and there should be some provision made for inspection, to see that they do.

There are many other factors in connection with this which should be incorporated into law.

There is another law which may be disagreeable to some people. There are very few people in this community who know anything about coal, except that it is black. If we had a Commission or an Authority, people who knew how coal should be burned, it would be a good thing, as they could make sure that the coal they were getting, was the coal for which they paid, and would meet the requirements of their furnaces. That

would eliminate a great deal of the difficulty.

Then, there are other factors. I heard one say that he burns oil, and there is no smoke. There is no more noxious fumes from the invisible smoke than comes from black smoke.

MR. ELLIOTT: Nobody has ever proven that to be true -- or at least, we have not found it in any of our studies. The gas from burning fuel oil in your homes, might do more damage, perhaps, than the black smoke, but nobody has ever been able to prove that as yet.

THE WITNESS: I think that could be proven without too much trouble.

MR. ELLIOTT: It has not been proven as yet, however.

The black smoke which comes from the burning of coal, may produce a gas which is only about half as noxious as the heavier density fumes which come from burning oil, and which you cannot see, and which might tend to corrode the steel work in a building, and I think this Committee is due to get experts on the job to see if anything can be done to attack the problem from the source, and that is, the fuel which is to be burned.

THE CHAIRMAN: You might be interested to know, when you are commenting about the oil smoke, in other

words, the stuff you cannot see, -- and I think you will be interested in this, Mr. Mayor -- that we were in Philadelphia a short time ago, and until recently they had literally thousands of coal-burning locomotives coming in and out of greater Philadelphia, and also locomotives shunting in the yards, and their complaints were numbered in the thousands. They have now completely eliminated the coal-burning locomotives in Philadelphia, and are now using diesels.

We asked the smoke inspector, who had had forty-nine years experience as a master mechanic with the Pennsylvania Railroad, about the complaints that he received concerning the coal-burning locomotives, and he said they averaged from 40 to 50 per day, and we asked him when the coal-burning locomotives were gone and the diesels came in, how many complaints he received, and he said he only received two or three a month.

As far as an answer is concerned, I think that is your answer.

MR. DUNN: There is one other point, about which I had not intended to speak at this time. In my activities, I give some instructions at the night school, and we know about the various tests throughout the city, and you would be surprised to how many complaints we receive from the coal-burning operations,

and which have changed over to oil, and the change-over has eliminated a great deal of the black smoke, and the claim is made that by burning oil, they get cheaper operation. That is the only thing I can say at this time.

We were satisfied with the valuable help we received from the engineers with the idea of getting sufficient equipment to handle this sort of thing in our industries.

THE CHAIRMAN: Is there anybody else who wants to speak to the Committee?

---The witness retired.

MR. BELYEA: I think we should hear from the Medical Officer of Health. Does he have any complaints? Has he seen any signs of eye disease, especially amongst the younger people?

D R. W. L. H U T T O N,

appearing before the Committee, but not being sworn, deposes and says:

THE CHAIRMAN: Doctor Hutton, we will be very glad to hear from you.

BY MR. BELYEA:

Q. Have you seen any signs of eye disease, especially amongst the younger people?

A. No. Of course, smog is a health menace. In 1930, in the Mews Valley, 60 people died as a result of smog, which lasted for four days. In 1948, at Donora, Pennsylvania, 6,000 people were ill and 20 died in four days. Both of these localities were in bowl-shaped valleys.

Brantford is in a bowl-shaped valley, and as industry increases, the danger of the health menace of smog will also increase.

All I have to say is that I am very happy that this Committee is in existence, and will help us to control smog in the future.

THE CHAIRMAN: Thank you, very much, Doctor Hutton.

MR. BELYEA: I was thinking particularly of a problem I have run into in some of the cities where in one case, heavy fumes were blown over from a plant, and a child was affected and had to be taken to a hospital.

THE WITNESS: We experienced that in the past, and we passed the problem over to the late Mr. Tracy.

BY MR. ELLIOTT:

Q. As the number of automobiles increases and the diesel machines, do you think the exhaust from the diesel machines has increased, and is perhaps more

dangerous than the gas which can be seen from other operations? Has it increased at all? Does that increase the possibility of cancer, do you think?

THE WITNESS: I have thought it does. From what I have read, however, there is always the suspicion that the emissions from automobiles and oil-burning contrivances, which may be polluting the atmosphere, might be a real cause of cancer. However, I do not know definitely.

MR. ELLIOTT: It might do greater harm not only to Hamilton,,but to the whole country.

THE WITNESS: Yes.

---The witness retired.

THE CHAIRMAN: If there is nothing further, may I thank you again for coming here, and to thank you, Mr. Mayor and the members of your Council, for permitting us to use the Council Chamber.

Is there anybody else who would like to say anything?

MR. HICKS,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What would you like to say, Mr. Hicks?

A. It is not only a question of odour, but it is disease-bearing as well, and that is something which should be looked after immediately.

Mind you, this Packing Company has done about everything possible. They have even put oil on their roads to keep the dust down, and have put covers on their smoke stacks, from which the smoke was coming.

The refuse from the tanning has become quite important. It is not only just a nuisance, but I think it is also disease-bearing.

Q. Have you discussed this with your Medical Officer of Health?

A. No.

---The witness retired.

M R S. L A S C O N I,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What did you wish to say, Mrs. Lasconi?

A. I think I have been probably active in connection with this trouble -- if you call it that -- from the start, as we, as a real estate office, developed a large part of the housing out there, and I would like to say at the start that I have no complaint about the

plant. At one time, they had a terrific smoke discharge, but they eliminated it, but they have a big problem themselves, in that there is a terrific gallonage of water used in processing their product, and it seems that after they got their stuff up to strength, which I think is around 150 to 200, the effluent from their disposal unit, seems to get into the processing.

After about two years, it got back onto the property behind the subdivision, which runs through a draw, and there was a very large pool -- I do not suppose "pool" is the right word -- but a big pond, where it collected within a certain number of feet from the school well.

The Medical Officer of Health went out and somehow or other it was corrected in regard to the school. We have had the experience of the effluent from a septic tank creating very bad odours, which becomes worse about the middle of September, just before the cold weather.

However, the Company was there first. On the other hand, we have a lovely subdivision there, and I bring this up to show the Committee that our trouble was not all caused by smoke.

There is another thing, too. I had some conversation with one of the executives of the Company,

and I was told that the cornstarch in particular, apparently makes excellent fertilizer, and the Company did everything in its power to sell this fertilizer as fast as it accumulated, but when the farmers reached a certain point where they did not need any more for two or three or four or five months -- I understand they also fed it to cows, which seemed to like it -- there was a residue from the operations accumulated, and it froze over, and remained frozen, and did not cause any harm, but eventually when a farmer wanted to get a load or two, he would break the residue pile open, and there was a terrific odour from there.

I think that might be worked out by this Committee, when you get further along in your deliberations.

THE CHAIRMAN: Thank you, very much.

---The witness retired.

M R S. K E R M A C K,

appearing before the Committee, but not being sworn, deposes and says:

THE CHAIRMAN: We shall be very glad to hear what you have to say, Mrs. Kermack.

THE WITNESS: I live near the Steel Company of Canada, over on York Street, near Colborne. I wrote

to Mr. Gordon, asking for a petition, about a year and a half ago, but nothing has been done about it.

When you have a washing to do, you have to watch which way the wind is blowing, because if you do not, your clothes are ruined. My husband wears many white shirts, and you just cannot get the dirt out. On some occasions, I have been very provoked, and I have called up the Steel Company, and they have said, "We cannot do anything about it, lady", and I said, "Well, if you want to come over and start washing, you are welcome to do it".

I do not see why we should have to put up with this all the time. The soot is blown in, and it is very hard to get it off. We have to paint our walls far more often than anybody else in other districts.

BY THE CHAIRMAN:

Q. Does it affect some of your neighbours?

A. Yes. My neighbours have agreed with me. We have discussed with them about getting this on our clothes, and their answer is, "What can we do about it?" So, why should we bother about it; nobody will ever do anything about it.

I understand in Hamilton the Steel Company built a filter there, and if the ladies in Hamilton would not put up with it, why should the ladies here

have to?

About every twenty minutes, it is this black smoke, and you simply cannot wash your clothes and get them dry, in recent times.

THE CHAIRMAN: Mr. Elliott is the member for Hamilton, and perhaps he would like to comment on the Steel Company situation there.

MR. ELLIOTT: I am just the same as you, Mr. Gordon. You represent Brantford and I represent Hamilton. I hope I am on top of it in Hamilton all the time.

THE CHAIRMAN: Mr. Elliott, have you done anything about it in Hamilton?

MR. ELLIOTT: I was in touch with the General Manager of the plant about two weeks ago -- in fact, we had lunch together -- and they have a very expensive plant, but he told me that inside of ten years, they hope to have this thing eliminated completely.

BY THE CHAIRMAN:

Q. Can you last that long here, Mrs. Kermack?

A. Not ten years; I do not think so.

MR. ELLIOTT: It might be that your plant here is due for a change-over. They are working on it, not only in Hamilton, but in Montreal, Brantford and Toronto.

MR. BELYEA: This is a machine shop, and the

other is a steel manufacturing process. It sounds like a combustion problem with probably a poor type of stoker, which could be corrected relatively easily.

The problem in Hamilton is one for which there is not an economical answer at the moment. There will have to be new methods devised to control that, but it probably could be controlled very easily.

BY MR. GORDON:

Q. You say that every twenty minutes the smoke comes out?

A. Yes, but unless somebody backs me up, I cannot do anything about it.

MR. GORDON: The city by-law only allows six minutes in an hour.

THE WITNESS: I timed it myself, to find out how often it came out, and all the ground was covered with it.

MR. BELYEA: Probably whenever the stoker goes on.

---The witness retired.

M R S. R O B E R T S O N ,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What would you like to say, Mrs. Robertson?

A. My "beef" is with the Brantford Cordage Company. We paint our house every year, and we just got it nicely painted, with a good coat of paint on, and it is completely ruined; also my washing is ruined today.

Q. You wash on Mondays, too?

A. Whenever there is no smoke. I have telephoned the Cordage Company, and a man said, "I will fix it up in a minute", and I have watched, and have seen the smoke going down, but in about twenty minutes it starts belching again. Apparently, if he only used the amount he was supposed, it might make a difference, but he throws the other stuff in, too.

MR. GORDON: That is what is causing it.

THE CHAIRMAN: The City Engineer has given us an explanation for that. I wonder, Mr. Richards, if you would briefly give this lady the story about why that is coming out, and when it is going to stop.

MR. RICHARDS: I reported to the Committee a few moments ago that I had a call from the Brantford Cordage asking if we could provide them with a place to dump the industrial refuse, which they are now burning, and if we can, that would change their method of operation, as they cannot burn the refuse the way it is today. So it is thrown directly into our laps

now, as to where we can tell them to dispose of this industrial waste. I understand that has to be taken care of sometime this summer.

THE CHAIRMAN: Thank you very much.

MR. GORDON: We might take a short tour around the city before luncheon, and we can see this Cordage plant. Our Secretary was quite taken with the colour of the smoke.

THE WITNESS: Everybody around the neighbourhood is very mad about it.

---The witness retired.

D O N A L D H O U N A M,

appearing before the Committee, but not being sworn, deposes and says:

BY THE CHAIRMAN:

Q. What would you like to say, Mr. Hounam?

A. I live at 95 Tollgate Road, and my biggest "beef" is in regard to the chicken farm. The odours which come from it are not too pleasant. We are not concerned so much with the farm itself, but about ten feet from my fence, there is a pile of rubbish, including dead chickens, and in the summer time the odour becomes very strong.

There is also a pile of manure there about

twelve feet high, and that also has dead chickens mixed with it. There has been some manure beside my place, which has been sitting there for two and one-half months. In the winter time, it is strong enough, but in the summer time it becomes unbearable. There are a number of new homes going up behind me, and they will soon realize what they are in for.

Q. Have you spoken to the Medical Officer of Health about it?

A. Last summer, somebody reported about the odour from the dead chickens becoming quite strong, and there was an inspector sent out, and they did clean up all that was there. There was a pile of chickens there, and many of them were badly decayed, and the inspector said there was no telling how many others there were, nor how long they had been there.

There are 34,000 chickens right behind us, and as you can imagine, some of them die every day.

BY MR. GORDON:

Q. Are you bothered with flies?

A. They are terrific in the summer time.

BY MR. MURDOCH:

Q. Is this within the limits of the city?

A. Yes, it is.

MR. GORDON: It has become a health problem.

THE WITNESS: It is not very healthy for youngsters to play around in.

MR. BELYEA: There is a definite provision in the Public Health Act right now to take care of that sort of thing.

DOCTOR EVIS (Secretary): If I were you, I would keep after the Medical Officer of Health every day.

BY MR. BRANDON, Q.C.:

Q. How many chickens are there on that farm?

A. 34,000. The coop behind me holds 34,000, and another coop on one side holds another 34,000, and there are about coops about ten feet from my side fence. I do not know how many there are altogether, but there is an awful "slew" of chickens.

Q. Have you complained to the Department of Health?

A. No, I have not.

Q. That might be a good idea, to do that.

A. I thought this summer would be a good time to do something.

THE CHAIRMAN: I would suggest you get after the Medical Officer of Health.

---The witness retired.

THE CHAIRMAN: Is there anyone else who wishes

to speak to the Committee at this time?

MR. HICKS: Has there been anything brought out about the ensilage from the canning factory?

THE CHAIRMAN: I do not know whether that was mentioned or not.

If there is nothing further, this meeting will stand adjourned.

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---Whereupon, at 3:45 o'clock p.m., the further proceedings of this Committee adjourned to reconvene in the city of London, Ontario, on Friday, May 11th, 1956, at ten o'clock, a.m.

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